

Missouri Senate

Daily Journals



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JOURNAL OF THE SENATE
EIGHTY-NINTH GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
SECOND REGULAR SESSION

FIRST DAY--WEDNESDAY, JANUARY 7, 1998

The Senate was called to order at 12:00 noon by Lieutenant Governor Roger Wilson.

The Reverend G. Dale Norfolk, Chaplain of the Senate, offered the following prayer:

Our Father in Heaven, as we begin a new year, we give thanks for all of your blessings. We are citizens of a great State, we represent a great people, and we work for a great cause-the well-being of these great people in this great State. Use us to make good times even better and hard times an occasion for growth and learning. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Quick announced that photographers from KMIZ-TV, Columbia; KQTV; KFVS-TV; KOMU-TV, Columbia; the Kansas City Star; KOLR-TV, Springfield; and the Senate, had been given permission to take pictures and video in the Senate Chamber and Gallery today.

RESOLUTIONS

Senator Quick offered the following resolution, which was read:

SENATE RESOLUTION NO. 955

BE IT RESOLVED, by the Senate of the Eighty-ninth General Assembly of Missouri, Second Regular Session, that the rules adopted by the Eighty-ninth General Assembly, of the State of Missouri, First Regular Session, as amended, insofar as they are applicable, be adopted as the rules for the control of the deliberations of the Senate of the Eighty-ninth General Assembly, Second Regular Session.

Senator Quick moved that the above resolution be adopted, which motion prevailed.

**MESSAGES FROM THE
SECRETARY OF STATE**

The President laid before the Senate the following communication from the Secretary of State, which was read:

To the Honorable Senate of the Eighty-Ninth General Assembly, Second Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri, 1994, I have the honor to lay before your honorable body herewith a list of the names of the members of the Senate of the Eighty-Ninth General Assembly (Second Regular Session) of the State of Missouri elected at the General Election held in 1996; also a list of the names of the Senators elected at the General Election in 1994.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affix the official seal of my office this 2nd day of January, 1998.

(Seal) Rebecca McDowell Cook

SECRETARY OF STATE

MISSOURI STATE SENATORS ELECTED NOVEMBER 5, 1996

District	Name
1st	Anita T. Yeckel
3rd	John E. Scott
5th	J. B. (Jet) Banks
7th	Francis E. Flotron, Jr.
9th	Phil B. Curls, Sr.
11th	Ronnie De Pasco
13th	Wayne Goode
15th	Walt Mueller
17th	Edward E. Quick
19th	Ken Jacob
21st	James L. (Jim) Mathewson
23rd	Steve Ehlmann
25th	Jerry T. Howard
27th	Peter Kinder
29th	Doyle Childers
31st	Harold L. Caskey
33rd	John T. Russell

MISSOURI STATE SENATORS ELECTED NOVEMBER 8, 1994

District	Name
2nd	Ted House
4th	Wm. (Lacy) Clay Jr.
6th	Larry Rohrbach
8th	Bill Kenney
10th	Harry Wiggins
12th	Sam Graves
14th	John D. Schneider
16th	Michael J. (Mike) Lybyer
18th	Joe Maxwell
20th	Danny Staples
22nd	William P. (Bill) McKenna
24th	Betty Sims
26th	David J. Klarich
28th	Morris Westfall
30th	Roseann Bentley
32nd	Marvin A. Singleton
34th	Sidney Johnson

On roll call the following Senators were present:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach

Russell
Singleton
Yeckel--33

Schneider
Staples

Scott
Westfall

Sims
Wiggins

Absent with leave--Senator Curls--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Quick offered the following resolution, which was read:

SENATE RESOLUTION NO. 956

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the Second Regular Session of the Eighty-ninth General Assembly is duly convened and is now in session and ready for consideration of business.

Senator Quick moved that the above resolution be adopted, which motion prevailed.

President Pro Tem McKenna assumed the dais and addressed the body.

President Wilson resumed the Chair.

Senator Yeckel offered Senate Resolution No. 957, regarding Eric Robert Eickmeier, St. Louis County, which was adopted.

Senator Yeckel offered Senate Resolution No. 958, regarding Jonathan (Jon) Clayton Petry, Lawrence, Kansas, which was adopted.

Senator Yeckel offered Senate Resolution No. 959, regarding Kurt S. Odenwald, Shrewsbury, which was adopted.

Senator Yeckel offered Senate Resolution No. 960, regarding Dr. Gay M. Thompkins, Webster Groves, which was adopted.

Senator Quick offered the following resolution, which was read:

SENATE RESOLUTION NO. 961

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to have placed in the Post Office of the Senate, or delivered each day to such other address as may be designated Missouri newspapers for each Senator and each elected officer of the Senate, such papers to be designated by the Senator or officer, and the expenses of same to be paid out of the contingent fund of the Senate.

Senator Quick moved that the above resolution be adopted, which motion prevailed.

Senator Quick offered the following resolution, which was read:

SENATE RESOLUTION NO. 962

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to purchase and deliver to each Senator postage stamps not to exceed the value of eight hundred dollars (\$800.00) and to take his or her receipt for the amount of postage stamps delivered, said stamps to be used by each Senator only for official business connected with his office, the expenses of same to be paid out of the contingent fund of the Senate.

Senator Quick moved that the above resolution be adopted, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 11, 1997, while the Senate was not in session.

Gerald W. Abbott, Republican, 2403 Lakewood Road, Jefferson City, Cole County, Missouri 65109, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2002, and until his successor is duly appointed and qualified; vice, Patricia S. Joyce, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 16, 1997, while the Senate was not in session.

Max T. Aldrich, O.D., 3104 Hampton Road, St. Joseph, Buchanan County, Missouri 64505, as a member of the State Board of Optometry, for a term ending June 30, 2002, and until his successor is duly appointed and qualified; vice, V.E. Falkenhain, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 14, 1997, while the Senate was not in session.

James S. Anderson, 215 NW Spruce, Lee's Summit, Jackson County, Missouri 64064, as a member of the Missouri State Board of Architects, Professional Engineers and Land Surveyors, for a term ending September 28, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 9, 1997, while the Senate was not in session.

Betsy A. Baird, 3325 N. Euclid, Kansas City, Clay County, Missouri 64116-2813, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 14, 1997, while the Senate was not in session.

Cynthia R. Ballentine, 1276 Vaughan, St. Louis, St. Louis County, Missouri 63130, as a member of the Missouri Board of Occupational Therapy, for a term ending November 14, 1999, and until her successor is duly appointed and qualified; vice, RSMo 324.063.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 18, 1997, while the Senate was not in session.

Charles D. Banks, Democrat, 678 Glenwood Drive, Pevely, Jefferson County, Missouri 63070, as a member of the State Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2000, and until his successor is duly appointed and qualified; vice, Scott D. Hamilton, resigned.

Respectfully submitted,
MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 9, 1997, while the Senate was not in session.

Joyce A. Blades, Republican, 2308 Barataria, Springfield, Greene County, Missouri 65804, as a member of the Public Defender Commission, for a term ending December 30, 1999, and until her successor is duly appointed and qualified; vice, Pamela K. Byrn, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 3, 1997, while the Senate was not in session.

Bobby J. Blue, 606 E. 127th Street, Kansas City, Jackson County, Missouri 64145, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2000, and until his successor is duly appointed and qualified; vice, Chester Lee Ellis, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Laurel A. Bondi, D.P.M., 405 Myrtle, Belton, Cass County, Missouri 64012, as a member of the State Board of Podiatric Medicine, for a term

ending July 1, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Lonnie Martin Boyd, 185 Petunia, Clever, Christian County, Missouri 65631, as a member of the Organ Donation Advisory Committee, for a term ending December 13, 2000, and until his successor is duly appointed and qualified; vice, withdrawn.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

V. Dean Brethower, Route 3, Box 334, Buffalo, Dallas County, Missouri 65622, as a member of the State Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2000, and until his successor is duly appointed and qualified; vice, withdrawn.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 11, 1997, while the Senate was not in session.

John W. Briscoe, Democrat, 209 College, New London, Ralls County, Missouri 63459, as a member of the Truman State University Board of Governors, for a term ending January 1, 1999, and until his successor is duly appointed and qualified; vice, Mary Rhodes Russell, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 9, 1997, while the Senate was not in session.

Frances I. Brothers, 1520 Tamara Drive, St. Joseph, Buchanan County, Missouri 64506, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 11, 1997, while the Senate was not in session.

Eddie F. Brown, 106 Seabrook Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2000, and until his successor is duly appointed and qualified; vice, Louis Irwin, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 11, 1997, while the Senate was not in session.

Lynn M. Catrett, 8980 Orf Road, O'Fallon, St. Charles County, Missouri 63366, as a member of the Advisory Commission for Registered Physician Assistants, for a term ending March 27, 1999, and until her successor is duly appointed and qualified; vice, Joyce Winkels, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 18, 1997, while the Senate was not in session.

Harold D. Cleberg, 1305 NW 43rd Terrace, Kansas City, Clay County, Missouri 64116, as a member of the Missouri Family Trust Board of Trustees, for a term ending December 7, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 23, 1997, while the Senate was not in session.

Joseph H. Collison, Democrat, 545 Washington Street, Weston, Platte County, Missouri 64098, as Chairman and a member of the Board of Election Commissioners for Platte County, for a term ending January 11, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 2, 1997, while the Senate was not in session.

Susie Cunningham-Shaw, Democrat, 5138 Washington Place, St. Louis City, Missouri 63108, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2002, and until her successor is duly appointed and qualified; vice, Marion Watkins, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 16, 1997, while the Senate was not in session.

Lori Renee Darr, 304 Hogan Drive, Columbia, Boone County, Missouri 65202, as a member of the Organ Donation Advisory Committee, for a term ending December 13, 2000, and until her successor is duly appointed and qualified; vice, Pamala Struessel, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 11, 1997, while the Senate was not in session.

Susan DiTirro, 5324 Locust, Kansas City, Jackson County, Missouri 64110, as a member of the State Committee for Social Workers, for a term ending December 11, 1999, and until her successor is duly appointed and qualified; vice, RSMo 337.622.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri

January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 4, 1997, while the Senate was not in session.

Sandy S. Drummond, 16050 North Route U, Hallsville, Boone County, Missouri 65255, as a member of the Missouri State Committee of Interpreters, for a term ending November 5, 2000, and until her successor is duly appointed and qualified; vice, RSMo 209.319.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 2, 1997, while the Senate was not in session.

Mary Ann Dunlap, 7208 St. Andrews Road, St. Louis, St. Louis County, Missouri 63121, as a member of the State Committee for Social Workers, for a term ending October 2, 2000, and until her successor is duly appointed and qualified; vice, RSMo 337.622.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 30, 1997, while the Senate was not in session.

Loretto A. Durham, 1017 Wilmington, St. Charles, St. Charles County, Missouri 63301, as a member of the Missouri State Committee of Interpreters, for a term ending October 30, 1999, and until her successor is duly appointed and qualified; vice, RSMo 209.319.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri

Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Cordelia M. Esry, 105 East 8th Street, Hamilton, Caldwell County, Missouri 64644, as a member of the State Board of Nursing, for a term ending June 1, 2001, and until her successor is duly appointed and qualified; vice, withdrawn.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 9, 1997, while the Senate was not in session.

Timothy J. Fete, M.D., 35 South Elm Avenue, Webster Groves, St. Louis County, Missouri 63119, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 30, 1997, while the Senate was not in session.

Alverne B. Fiddmont-Hood, 1222 Dunston Drive, St. Louis, St. Louis County, Missouri 63146, as a member of the Advisory Commission for Professional Physical Therapists, for a term ending October 1, 1998, and until her successor is duly appointed and qualified; vice, Sandra Ballenger, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 4, 1997, while the Senate was not in session.

Jana L. Finch, Rural Route 1 Box 81, Parnell, Nodaway County, Missouri 64475, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 2000, and until her successor is duly appointed and qualified; vice, Judy Phyllis N. Lewis, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 9, 1997, while the Senate was not in session.

Margaretta Forrester, Republican, 431-D North Polo Drive, St. Louis, St. Louis County, Missouri 63105, as a member of the Community Service Commission, for a term ending December 15, 1999, and until her successor is duly appointed and qualified; vice, William Kahn, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Christina J. Fritsch, Republican, 16345 State Route F, Rolla, Phelps County, Missouri 65401, as a member of the State Board of Embalmers and Funeral Directors, for a term ending September 1, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 16, 1997, while the Senate was not in session.

Thomas J. Garnett, Republican, 319 Northmoor Drive, Ballwin, St. Louis County, Missouri 63011, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 1999, and until his successor is duly appointed and qualified; vice, David Nunn, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 31, 1997, while the Senate was not in session.

Ollie W. Gates, Democrat, 2915 Victor, Kansas City, Jackson County, Missouri 64128, as a member of the State Highway and Transportation Commission, for a term ending December 1, 2003, and until his successor is duly appointed and qualified; vice, Thomas Boland, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 2, 1997, while the Senate was not in session.

Jinny Gender, 225 Peeke Avenue, Kirkwood, St. Louis County, Missouri 63122, as a member of the State Committee for Social Workers, for a term ending October 2, 2001, and until her successor is duly appointed and qualified; vice, RSMo 337.622.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 14, 1997, while the Senate was not in session.

William E. Gladden, Democrat, 205 Hamrick, Post Office Box 217, Houston, Texas County, Missouri 65483, as a member of the State Highway and Transportation Commission, for a term ending October 13, 2001, and until his successor is duly appointed and qualified; vice, H. Mark Preyer, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 3, 1997, while the Senate was not in session.

Jerome E. Glick, 301 N. Forsyth, Clayton, St. Louis County, Missouri 63105, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 1998, and until his successor is duly appointed and qualified; vice, Kathryn M. Wallace, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Glenn E. Good, Ph.D., 1612 Jesse Lane, Columbia, Boone County, Missouri 65203, as a member of the State Committee of Psychologists, for a term ending August 28, 1999, and until his successor is duly appointed and qualified; vice, withdrawn.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 14, 1997, while the Senate was not in session.

T. Christopher Graham, Democrat, 1204 Major Drive, Jefferson City, Cole County, Missouri 65101, as the Administrative Law Judge of the Division of Motor Carrier and Railroad Safety, for a term ending July 1, 2003, and until his successor is duly appointed and qualified; vice, Arthur L. Connover, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Larry L. Gray, Route 5 Box 134, Salem, Dent County, Missouri 65560, as a member of the State Board of Accountancy, for a term ending July 1, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 18, 1997, while the Senate was not in session.

John W. Greer, Route 5 Box 15, Marshfield, Webster County, Missouri 65706, as a public member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 23, 1997, while the Senate was not in session.

Dorothy M. Gresham, Democrat, 1315 East Street, Parkville, Platte County, Missouri 64152, as a member of the Board of Election Commissioners for Platte County, for a term ending January 11, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Joy S. Gronstedt, D.O., 30580 Summers Drive, Sedalia, Pettis County, Missouri 65301, as a member of the Drug Utilization Review Board, for a term ending October 15, 2000, and until her successor is duly appointed and qualified; vice, withdrawn.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Elizabeth K. Grove, Route 3 Box 21, Monroe City, Monroe County, Missouri 63456, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2000, and until her successor is duly appointed and qualified; vice, withdrawn.

Respectfully submitted,

MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Lisa Guillory-Parsons, 1509 Glencairn Court, Columbia, Boone County, Missouri 65203, as a member of the Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2001, and until her successor is duly appointed and qualified; vice, withdrawn.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 11, 1997, while the Senate was not in session.

Karen M. Hamlet, 115 South Cherry Street, Cameron, Clinton County, Missouri 64429, as a public member of the Missouri Board of Occupational Therapy, for a term ending December 11, 1998, and until her successor is duly appointed and qualified; vice, RSMo 324.063.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 9, 1997, while the Senate was not in session.

Linda W. Hancik, 75 West Calvin Drive, Hartsburg, Boone County, Missouri 65039, as a member of the Child Abuse and Neglect Review Board,

for a term ending April 27, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 18, 1997, while the Senate was not in session.

Lynn A. Harmon, 704 W. Hale Lake Road, Warrensburg, Johnson County, Missouri 64093, as a member of the Missouri State Employees Voluntary Life Insurance Commission, for a term ending October 7, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 19, 1997, while the Senate was not in session.

Eldon D. Harris, Republican, 3623 Springfield Road, P.O. Box 55, Bourbon, Crawford County, Missouri 65441, as a member of the Missouri Agriculture and Small Business Development Authority, for a term ending June 30, 2001, and until his successor is duly appointed and qualified; vice, Robert Gardner, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 3, 1997, while the Senate was not in session.

Harvey A. Harris, 31 Westmoreland Place, St. Louis City, Missouri 63108, as a member of the Bi-State Development Agency, for a term ending November 10, 2001, and until his successor is duly appointed and qualified; vice, Reuben A. Shelton, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Rochelle L. Harris, Ph.D., 5542 Crestwood Drive, Kansas City, Jackson County, Missouri 64110, as a member of the State Committee of Psychologists, for a term ending August 28, 2001, and until her successor is duly appointed and qualified; vice, withdrawn.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

John B. Heskett, Jr., 2718 Kenwood, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 9,

1997, while the Senate was not in session.

Charlotte S. Hill, 446 West 56th Street, Kansas City, Jackson County, Missouri 64113, as the public member of the State Board of Chiropractic Examiners, for a term ending August 18, 1998, and until her successor is duly appointed and qualified; vice, Opal Baldwin, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Mary A. Holyoke, 13163 Highway 21, DeSoto, Jefferson County, Missouri 63020, as a member of the State Board of Chiropractic Examiners, for a term ending January 1, 2002, and until her successor is duly appointed and qualified; vice, withdrawn.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 2, 1997, while the Senate was not in session.

Priscilla J. Hornby, M.S.W., L.C.S.W., Post Office Box 1575, Sikeston, Scott County, Missouri 63801, as a member of the State Committee for Social Workers, for a term ending October 2, 1999, and until her successor is duly appointed and qualified; vice, RSMo 337.622.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 2, 1997, while the Senate was not in session.

Vicki L. Huff, M.S.W., L.C.S.W., Route 3 Box 441, St. Joseph, Buchanan County, Missouri 64505, as a member of the State Committee for Social Workers, for a term ending October 2, 2001, and until her successor is duly appointed and qualified; vice, RSMo 337.622.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 11, 1997, while the Senate was not in session.

William J. Hurley, Republican, 505 Pinewood Drive, St. Joseph, Buchanan County, Missouri 64506, as a member of the Missouri Western State College Board of Regents, for a term ending October 29, 1999, and until his successor is duly appointed and qualified; vice, Teresa Herzog, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Larry W. Jackson, D.D.S., 503 4th Street, Doniphan, Ripley County, Missouri 63935, as a member of the Missouri Dental Board, for a term ending October 16, 2000, and until his successor is duly appointed and qualified; vice, withdrawn.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Robert T. Jackson, 1600 E. 52nd Street, Kansas City, Jackson County, Missouri 64110, as a member of the Board of Trustees for the Petroleum Storage Tank Insurance Fund, for a term ending February 6, 1998, and until his successor is duly appointed and qualified; vice, withdrawn.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Shera R. Kafka, 1504 Gold Leaf Drive, St. Louis, St. Louis County, Missouri 63146, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2000, and until her successor is duly appointed and qualified; vice, withdrawn.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Patrick F. Kelly, 2917 Kansas Avenue, Joplin, Jasper County, Missouri 64804, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2000, and until his successor is duly appointed and qualified; vice, withdrawn.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 14, 1997, while the Senate was not in session.

Terrence G. Klamet, 1849 Shiloh Valley Drive, Wildwood, St. Louis County, Missouri 63005, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2001, and until his successor is duly appointed and qualified; vice, Donald Pierkarski, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 9, 1997, while the Senate was not in session.

Lori L. Knabe, 7608 Crescent Drive, Raytown, Jackson County, Missouri 64138, as a member of the Missouri State Committee of Interpreters, for a term ending October 9, 2001, and until her successor is duly appointed and qualified; vice, RSMo 209.319.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 23, 1997, while the Senate was not in session.

Betty L. Kramer, 1505 Main, Higginsville, Lafayette County, Missouri 64037, as a member of the State Committee of Interpreters, for a term ending October 23, 2001, and until her successor is duly appointed and qualified; vice, RSMo 209.319.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on January 1, 1998, while the Senate was not in session.

Stephen M. Mahfood, 7311 North Shore Road, Hartsburg, Boone County, Missouri 65039, as Director of the Department of Natural Resources, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, David A. Shorr, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 28, 1997, while the Senate was not in session.

Erwin F. Mall, Republican, 2605 N.E. 78th Street, Kansas City, Clay County, Missouri 64119, as a member of the Gaming Commission, for a term ending April 29, 1998, and until his successor is duly appointed and qualified; vice, William J. Quinn, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 14, 1997, while the Senate was not in session.

Joyce F. Marshall, 1435 Briar Village Court, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 5, 1998, and until her successor is duly appointed and qualified; vice, Dan A. Needham, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 23, 1997, while the Senate was not in session.

E. Joanne Mermelstein, 209 Sappington, Columbia, Boone County, Missouri 65203, as a member of the State Committee for Social Workers, for a term ending October 23, 1998, and until her successor is duly appointed and qualified; vice, RSMo 337.622.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 11, 1997, while the Senate was not in session.

Kristine M. Moranville, 10 Fountain Court, Florissant, St. Louis County, Missouri 63033, as a member of the Missouri Board of Occupational Therapy, for a term ending December 11, 2000, and until her successor is duly appointed and qualified; vice, RSMo 324.063.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Kimberly K. Mothershead, Democrat, Route 1 Box 509 B, Benton, Scott County, Missouri 63736, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2003, and until her successor is duly appointed and qualified; vice, withdrawn.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 14, 1997, while the Senate was not in session.

Paul R. Munger, P.E., 35 Sydney Court, Rolla, Phelps County, Missouri 65401, as Chairman of the Missouri State Board of Architects, Professional Engineers and Land Surveyors, for a term ending October 3, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Laura Murphy-Dellos, MSN, CNM, 108 West 68th Street, Kansas City, Jackson County, Missouri 64113, as a member of the State Board of Nursing, for a term ending August 13, 2000, and until her successor is duly appointed and qualified; vice, withdrawn.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 2,

1997, while the Senate was not in session.

Susan B. Musgrave, Republican, 14 Overhills Drive, St. Louis, St. Louis County, Missouri 63124, as a member of the Mississippi River Parkway Commission, for a term ending September 15, 1999, and until her successor is duly appointed and qualified; vice, Robert Bogart, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 9, 1997, while the Senate was not in session.

Kimberly J. McEnulty, 15870 North Amity, Platte City, Platte County, Missouri 64079, as a member of the Missouri State Committee of Interpreters, for a term ending October 9, 2000, and until her successor is duly appointed and qualified; vice, RSMo 209.319.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 9, 1997, while the Senate was not in session.

Daniel J. "Duke" McVey, 1414 Dixon Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Children's Trust Fund Board, for a term ending September 15, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 2,

1997, while the Senate was not in session.

Franklin D. Nickell, Democrat, 1627 Scivally Drive, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Mississippi River Parkway Commission, for a term ending March 1, 1998, and until his successor is duly appointed and qualified; vice, Duane S. Michie, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 31, 1997, while the Senate was not in session.

William L. "Barry" Orscheln, Republican, Box 71, Cairo, Randolph County, Missouri 65239, as a member of the State Highway and Transportation Commission, for a term ending December 1, 2003, and until his successor is duly appointed and qualified; vice, James Gamble, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 11, 1997, while the Senate was not in session.

Judy M. Phillips, 1005 West 38th Street, Kansas City, Jackson County, Missouri 64111, as a member of the Missouri Board of Occupational Therapy, for a term ending December 11, 1998, and until her successor is duly appointed and qualified; vice, RSMo 324.063.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 9, 1997, while the Senate was not in session.

Theresa R. Prosser, Pharm.D., 16004 Rose Wreath Lane, Florissant, St. Louis County, Missouri 63034, as a member of the Drug Utilization Review Board, for a term ending October 15, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 11, 1997, while the Senate was not in session.

Randa Rawlins, Democrat, 215 West Concord Avenue, Kansas City, Jackson County, Missouri 64112, as a member of the Truman State University Board of Governors, for a term ending January 1, 2002, and until her successor is duly appointed and qualified; vice, Thomas R. Shrout, Jr., term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 14, 1997, while the Senate was not in session.

George S. Reuter, Jr., Ed.D., 406 South Olive Street, Holden, Johnson County, Missouri 64040, as a member of the Missouri Board for Occupational Therapy, for a term ending November 14, 1999, and until his successor is duly appointed and qualified; vice, RSMo 324.063.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 11, 1997, while the Senate was not in session.

Mamie H. Rodgers, 3405 Quincy Avenue, Kansas City, Jackson County, Missouri 64128, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2000, and until her successor is duly appointed and qualified; vice, Dr. Joseph M. Estrada, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 23, 1997, while the Senate was not in session.

George R. Rose, Republican, 4905 N.W. Hillside Road, Riverside, Platte County, Missouri 64151, as Secretary and a member of the Board of Election Commissioners for Platte County, for a term ending January 11, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 9, 1997, while the Senate was not in session.

William F. Ross, III, 2708 North Howard, Springfield, Greene County, Missouri 65803, as a member of the Missouri State Committee of Interpreters, for a term ending October 9, 1999, and until his successor is duly appointed and qualified; vice, RSMo 209.319.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri

January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 9, 1997, while the Senate was not in session.

Carmen Kay Schulze, 33H Broadway Village Drive, Columbia, Boone County, Missouri 65201, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 28, 1997, while the Senate was not in session.

Julian M. Seeherman, Republican, 11570 Lakeshore Drive, St. Louis, St. Louis County, Missouri 63141, as a member of the Gaming Commission, for a term ending April 29, 2000, and until his successor is duly appointed and qualified; vice, Avis Tucker, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 30, 1997, while the Senate was not in session.

Mary Hass Sheid, 1913 Cambridge, West Plains, Howell County, Missouri 65775, as a member of the Advisory Commission for Professional Physical Therapists, for a term ending October 1, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 9, 1997, while the Senate was not in session.

Barbara B. Smith, 309 E. Kathleen, Sikeston, Scott County, Missouri 63801, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 2, 1997, while the Senate was not in session.

Cleatus S. Stanfill, Democrat, 103 Willow, Caruthersville, Pemiscot County, Missouri 63830, as a member of the Mississippi River Parkway Commission, for a term ending April 14, 1999, and until his successor is duly appointed and qualified; vice, Odile Stewart Mecker, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 9, 1997, while the Senate was not in session.

Amy S. Staples, 5117 Delaware, Independence, Jackson County, Missouri 64055, as a member of the State Board of Cosmetology, for a term ending July 1, 2001, and until her successor is duly appointed and qualified; vice, Elmetta Williams, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri

Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 5, 1997, while the Senate was not in session.

Ronald E. Stutzman, Democrat, Route 1 Box 248, Caruthersville, Pemiscot County, Missouri 63830, as a member of the Missouri Public Entity Risk Management Fund Board of Trustees, for a term ending July 15, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 23, 1997, while the Senate was not in session.

Paul A. Sundet, 809 Sycamore Lane, Columbia, Boone County, Missouri 65203, as a member of the State Committee for Social Workers, for a term ending October 23, 2000, and until his successor is duly appointed and qualified; vice, RSMo 337.622.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 23, 1997, while the Senate was not in session.

Joseph A. Swarts, Republican, 6735 Tower Drive, Kansas City, Platte County, Missouri 64151, as a member of the Board of Election Commissioners for Platte County, for a term ending January 11, 2001, and until his successor is duly appointed and qualified; vice, Billy Joe West, deceased.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 5, 1997, while the Senate was not in session.

Letitia Thomas, MS, ACC, 501 Waldo Court, Columbia, Boone County, Missouri 65202, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 1999, and until her successor is duly appointed and qualified; vice, Mary Bussabarger, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 23, 1997, while the Senate was not in session.

Vetta Sanders Thompson, 9900 Martingale Road, Bellefontaine, St. Louis County, Missouri 63137, as a member of the State Committee of Psychologists, for a term ending August 28, 2002, and until her successor is duly appointed and qualified; vice, Janice VanBuren, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 18, 1997, while the Senate was not in session.

Dale D. Turvey, 16601 Kehrsgrrove Drive, Chesterfield, St. Louis County, Missouri 63005, as a member of the Missouri State Employees Voluntary Life Insurance Commission, for a term ending October 7, 1998, and until his successor is duly appointed and qualified; vice, J.O. Harris, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 11, 1997, while the Senate was not in session.

Debbie M. Ulinski, 4215 Summit Knoll Drive, St. Louis, St. Louis County, Missouri 63129, as a member of the Missouri State Committee of Interpreters, for a term ending December 11, 1998, and until her successor is duly appointed and qualified; vice, RSMo 209.319.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 30, 1997, while the Senate was not in session.

Donna L. Urban, 4122 Mercier, Kansas City, Jackson County, Missouri 64111, as a member of the Advisory Commission for Professional Physical Therapists, for a term ending October 1, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 14, 1997, while the Senate was not in session.

Ronald W. Vessel, 1705 Delta Place, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2000, and until his successor is duly appointed and qualified; vice, Donald L. Gann, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Robin S. Vogt, RN, BSN, CCRN, Route 2 Box 29, Versailles, Morgan County, Missouri 65084, as a member of the State Board of Nursing, for a term ending June 1, 2001, and until her successor is duly appointed and qualified; vice, withdrawn.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

James E. Walker, Sr., 2420 Springhill Lane, St. Louis, St. Louis County, Missouri 63136, as a member of the Child Abuse and Neglect Review Board, for a term ending April 17, 2000, and until his successor is duly appointed and qualified; vice, withdrawn.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Loretta F. Walker, Democrat, 10 Stacy Drive, Olivette, St. Louis County, Missouri 63132, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 1, 1999, and until her successor is duly appointed and qualified; vice, withdrawn.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 2, 1997, while the Senate was not in session.

George E. Walley, Jr., Democrat, 36 Holiday Drive, Hannibal, Marion County, Missouri 63401, as a member of the Mississippi River Parkway Commission, for a term ending April 15, 1999, and until his successor is duly appointed and qualified; vice, W.J. "Dub" Crutcher, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 2, 1997, while the Senate was not in session.

Alisa J. Warren, 3820 Blue Cedar Lane, Columbia, Boone County, Missouri 65203, as a member of the Personnel Advisory Board, for a term ending at the pleasure of the Governor; vice, Carla Owens, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 11, 1997, while the Senate was not in session.

Dan L. West, Republican, 5904 NW 78th Terrace, Kansas City, Platte County, Missouri 64152, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 1998, and until his successor is duly appointed and qualified; vice, Judith A. Weaver, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 9, 1997, while the Senate was not in session.

Logan E. Whitaker, Republican, 6046 Lookout Ridge, Ozark, Christian County, Missouri 65721, as a member of the Community Service Commission, for a term ending December 15, 1999, and until his successor is duly appointed and qualified; vice, Malinda Combs Harris, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 23, 1997, while the Senate was not in session.

Glen D. Wilson, Democrat, 13750 Aspen Road, Joplin, Newton County, Missouri 64804, as a member of the Missouri Southern State College Board of Regents, for a term ending August 30, 2003, and until his successor is duly appointed and qualified; vice, reappointed to full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 23, 1997, while the Senate was not in session.

William C. Wilson, 306 Manor Drive, Warrensburg, Johnson County, Missouri 64093, as a member of the Committee for Professional Counselors, for a term ending August 28, 2001, and until his successor is duly appointed and qualified; vice, Jane Niskey, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 2, 1997, while the Senate was not in session.

Cecil G. Wood, 2 Dumbarton Drive, St. Louis, St. Louis County, Missouri 63132, as the public member of the State Board of Accountancy, for a term ending August 15, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 3, 1997, while the Senate was not in session.

Patti J. Wright, 12220 Spanish Trace Drive, Apartment D, Maryland Heights, St. Louis County, Missouri 63043, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2000, and until her successor is duly appointed and qualified; vice, Roger D. Grosser, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Joseph M. Yasso, D.O., 3513 NW Primrose Lane, Lee's Summit, Jackson County, Missouri 64064, as a member of the Drug Utilization Review Board, for a term ending October 15, 2000, and until his successor is duly appointed and qualified; vice, withdrawn.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 5, 1997, while the Senate was not in session.

William D. Yates, M.D., 821 Chateau Crest Drive, St. Louis, St. Louis County, Missouri 63135, as a member of the State Board of Registration for the Healing Arts, for a term ending August 13, 2000, and until his successor is duly appointed and qualified; vice, Randall Huss, M.D., resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 7, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 26, 1997, while the Senate was not in session.

Charlotte R. York, LPN, 111 Greenbriar, Sikeston, Scott County, Missouri 63801, as a member of the State Board of Nursing, for a term ending June 1, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

On motion of Senator Quick, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Johnson.

FIRST READING OF

PRE-FILED SENATE BILLS

As provided in Chapter 21, RSMo 1986, Sections 21.600, 21.605, 21.610, 21.615 and 21.620, the following pre-filed Bills and/or Joint Resolutions were introduced and read for the first time:

SB 469-By Schneider.

An Act to repeal section 311.554, RSMo 1994, relating to Missouri wine, and to enact in lieu thereof six new sections relating to the same subject.

SB 470-By Schneider.

An Act to repeal sections 630.167, 630.170 and 630.710, RSMo Supp. 1997, relating to the confidentiality of certain mental health records, and to enact in lieu thereof three new sections relating to the same subject.

SB 471-By Schneider.

An Act to repeal sections 105.500, 105.510, 105.520, 105.525 and 105.530, RSMo 1994, relating to collective bargaining for public employees, and to enact in lieu thereof twenty-two new sections relating to the same subject, with an emergency clause.

SB 472-By Wiggins, Klarich, Scott, Flotron, Kinder and Schneider.

An Act to repeal section 143.111, RSMo 1994, relating to taxation, and to enact in lieu thereof two new sections relating to the same subject.

SB 473-By Wiggins, DePasco and Kenney.

An Act to repeal sections 84.480 and 84.510, RSMo 1994, relating to Kansas City police officers, and to enact in lieu thereof two new sections relating to the same subject.

SB 474-By Wiggins.

An Act relating to racketeering, with penalty provisions.

SB 475-By Banks.

An Act to repeal sections 43.540, 210.245 and 610.120, RSMo 1994, and sections 210.150 and 210.221, RSMo Supp. 1997, relating to the care or supervision of children, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

SB 476-By Scott.

An Act to repeal section 103.027, RSMo 1994 and section 103.008, RSMo Supp. 1997, relating to the health plan for the state employees, and to enact in lieu thereof two new sections relating to the same subject.

SB 477-By Caskey.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to wild game donations.

SB 478-By Caskey.

An Act to repeal section 217.710, RSMo Supp. 1997, relating to probation and parole officers, and to enact in lieu thereof one new section relating to the same subject.

SB 479-By Caskey.

An Act to repeal section 247.040, RSMo Supp. 1997, relating to public water supply districts, and to enact in lieu

thereof one new section relating to the same subject.

SB 480-By Russell.

An Act relating to certain public assistance benefits, with a penalty provision.

SB 481-By Russell.

An Act to repeal supreme court rule 5.29, relating to the unauthorized practice of law, and to enact in lieu thereof one new supreme court rule relating to the same subject.

SB 482-By Russell.

An Act relating to the administrative hearing commission by adding thereto one new section relating to the same subject.

SB 483-By Mathewson.

An Act to repeal section 135.030, RSMo 1994, and section 135.010, RSMo Supp. 1997, relating to circuit breaker tax relief, and to enact in lieu thereof two new sections relating to the same subject.

SB 484-By Mathewson.

An Act to repeal section 99.845, as enacted by senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and approved by the governor, and to enact in lieu thereof one new section solely for the purpose of changing the eligibility date for certain tax increment financing benefits.

SB 485-By Mathewson.

An Act to repeal section 196.271, RSMo 1994, relating to the registration of certain manufacturers and distributors of food products, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 486-By Staples.

An Act to repeal section 478.690, RSMo 1994, relating to the number of circuit judges, and to enact in lieu thereof one new section relating to the same subject.

SB 487-By Goode and Johnson.

An Act to repeal sections 304.155, 304.156, 304.157 and 304.158, RSMo Supp. 1997, relating to the removal of abandoned property, and to enact in lieu thereof four new sections relating to the same subject.

SB 488-By Goode.

An Act to repeal sections 21.570 and 162.857, RSMo Supp. 1997, relating to special school districts and vocational education, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

SB 489-By Goode.

An Act to repeal section 144.025, RSMo 1994, relating to taxation, and to enact in lieu thereof one new section relating to the same subject.

SB 490-By Quick.

An Act to repeal section 135.030, RSMo 1994, and section 135.010, RSMo Supp. 1997, relating to property taxation, and to enact in lieu thereof two new sections relating to the same subject.

SB 491-By Singleton, Russell, Bentley and Kenney.

An Act to repeal sections 143.131 and 143.161, RSMo 1994, and section 143.124, RSMo Supp. 1997, relating to tax relief for families, and to enact in lieu thereof three new sections relating to the same subject.

SB 492-By Singleton, Bentley and Kenney.

An Act to amend chapter 136, RSMo, by adding thereto one new section relating to refunds of excess state revenues pursuant to the Missouri Constitution.

SB 493-By Singleton.

An Act to amend chapter 577, RSMo, relating to public safety offenses, by adding thereto one new section relating to leaving the scene of a shooting, with penalty provisions.

SB 494-By Mueller.

An Act to repeal section 115.507, RSMo Supp. 1997, relating to elections, and to enact in lieu thereof one new section relating to the same subject.

SB 495-By Mueller.

An Act to repeal section 516.097, RSMo 1994, relating to the statute of limitations on certain tort actions, and to enact in lieu thereof one new section relating to the same subject.

SB 496-By Mueller.

An Act to repeal section 571.080, RSMo 1994, relating to the transfer of concealable firearms, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 497-Withdrawn.

SB 498-By Howard.

An Act to amend chapter 407, RSMo, by adding thereto nine new sections relating to merchandising practices.

SB 499-By Howard.

An Act to repeal section 337.035, RSMo Supp. 1997, relating to the practice of psychology, and to enact in lieu thereof seven new sections relating to the same subject.

SB 500-By Johnson.

An Act to repeal sections 169.070 and 169.075, RSMo Supp. 1997, relating to public school retirement systems, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

SB 501-By Johnson.

An Act to repeal sections 169.070 and 169.075, RSMo Supp. 1997, relating to public school retirement systems, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

SB 502-By Johnson.

An Act to repeal sections 163.011, 163.021 and 165.011, RSMo Supp. 1997, relating to capital projects in school districts, and to enact in lieu thereof three new sections relating to the same subject.

SB 503-By Rohrbach and Flotron.

An Act to amend chapter 221, RSMo, by adding one new section relating to the operation of private jails for profit.

SB 504-By Rohrbach.

An Act to repeal sections 105.470 and 105.473, RSMo Supp. 1997, relating to regulation of lobbying, and to enact in lieu thereof two new sections relating to the same subject.

SB 505-By Rohrbach.

An Act to repeal sections 67.469 and 67.475, RSMo 1994, and sections 67.455, 67.457, 67.459 and 67.461, RSMo Supp. 1997, relating to neighborhood improvement districts, and to enact in lieu thereof eight new sections relating to the same subject.

SB 506-By Clay.

An Act to repeal sections 175.020 and 175.021, RSMo 1994, relating to Lincoln University, and to enact in lieu thereof two new sections relating to the same subject.

SB 507-By Clay.

An Act relating to collective bargaining rights for certain public school employees.

SB 508-By DePasco.

An Act to amend chapter 307, RSMo, by adding one new section relating to sound amplification systems in motor vehicles, with penalty provisions.

SB 509-By Ehlmann.

An Act to repeal section 105.456, RSMo 1994, and section 105.473, RSMo Supp. 1997, relating to public officers and employees, and to enact in lieu thereof two new sections relating to the same subject.

SB 510-By Ehlmann.

An Act to amend chapter 208, RSMo, by adding thereto sixteen new sections relating to a community partnership program.

SB 511-By Ehlmann.

An Act to repeal section 49.600, RSMo 1994, and to enact in lieu thereof five new sections relating to flood plains, with penalty provisions.

SB 512-By McKenna.

An Act to repeal sections 478.550 and 478.600, RSMo 1994, relating to circuit judges in certain counties, and to enact in lieu thereof two new sections relating to the same subject.

SB 513-By McKenna.

An Act to repeal section 144.030, RSMo Supp. 1997, relating to sales taxation, and to enact in lieu thereof one new section relating to the same subject.

SB 514-By Klarich, Kinder, Flotron, Childers, Sims, Russell, Ehlmann, Singleton, Graves, Kenney, Westfall, Yeckel and Bentley.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to property taxation, with an effective date.

SB 515-By Klarich.

An Act to amend chapter 552, RSMo, by adding thereto eleven new sections relating to civil commitment.

SB 516-By Klarich.

An Act to repeal section 144.030, RSMo Supp. 1997, relating to sales tax exemption, and to enact in lieu thereof one new section relating to the same subject.

SB 517-By Graves.

An Act to amend chapter 357, RSMo, by adding one new section relating to housing cooperatives.

SB 518-By Graves.

An Act to repeal sections 307.350 and 307.366, RSMo Supp. 1997, relating to inspections of motor vehicles, and to enact in lieu thereof two new sections relating to the same subject.

SB 519-By Bentley.

An Act to repeal sections 226.525 and 226.535, RSMo 1994, relating to historical and public interest signs along the highways, and to enact two new sections in lieu thereof relating to the same subject.

SB 520-By Bentley.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to employer references.

SB 521-By Bentley.

An Act to repeal section 192.1000, RSMo Supp. 1997, relating to first responder programs, and to enact in lieu thereof one new section relating to the same subject.

SB 522-By Sims.

An Act to repeal sections 302.291 and 302.292, RSMo 1994, and to enact in lieu thereof two new sections relating to the reporting and examination of impaired drivers, with penalty provisions and an effective date.

SB 523-By Sims.

An Act to amend chapter 355, RSMo, by adding thereto eleven new sections relating to transfers of assets by nonprofit hospitals, with an emergency clause.

SB 524-By Sims.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to income tax credits.

SB 525-By Childers.

An Act to amend chapter 21, RSMo, relating to the general assembly by adding thereto one new section relating to the same subject.

SB 526-By Childers.

An Act to repeal section 315.037, RSMo 1994, relating to resorts, and to enact in lieu thereof one new section relating to the same subject.

SB 527-By Childers.

An Act to amend chapter 306, RSMo, by adding thereto one new section relating to unauthorized jumping from commercial passenger boats, with penalty provisions.

SB 528-By Yeckel.

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to driver's licenses.

SB 529-By Schneider, Bentley and Singleton.

An Act to amend chapter 311, RSMo, by adding thereto fourteen new sections relating to wholesalers and brewers of beer.

SB 530-By Schneider.

An Act to repeal section 105.464, RSMo Supp. 1997, relating to conflicts of interest of the judiciary, and to enact in lieu thereof one new section relating to the same subject.

SB 531-By Schneider.

An Act to repeal section 476.690, RSMo Supp. 1997, relating to retirement compensation of judges, and to enact in lieu thereof one new section relating to the same subject.

SB 532-By Wiggins and McKenna.

An Act to repeal sections 195.211, 195.222, 195.223, 195.420 and 568.050, RSMo 1994, and section 195.400, RSMo Supp. 1997, and to enact in lieu thereof seven new sections for the purpose of addressing the methamphetamine problem, with penalty provisions.

SB 533-By Wiggins.

An Act to repeal sections 23.150, 23.160, 23.170 and 23.190, RSMo 1994, relating to the oversight division of the joint committee on legislative research, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

SB 534-By Wiggins.

An Act relating to closed records.

SB 535-By Caskey.

An Act to repeal section 163.011, RSMo Supp. 1997, relating to determining equivalent sales ratios used in equalizing assessed valuations, and to enact in lieu thereof one new section relating to the same subject.

SB 536-By Caskey.

An Act to repeal section 320.121, RSMo 1994, relating to regulation of fireworks, and to enact in lieu thereof one new section relating to the same subject.

SB 537-By Caskey.

An Act to amend chapters 404 and 456, RSMo, by adding thereto two new sections relating to powers of certain legal

representatives.

SB 538-By Russell.

An Act relating to licensing of certain construction professionals.

SB 539-By Russell.

An Act to repeal sections 32.090 and 32.091, RSMo Supp. 1997, relating to motor vehicle records, and to enact in lieu thereof two new sections relating to the same subject.

SB 540-By Russell.

An Act to repeal sections 135.357 and 143.121, RSMo 1994, relating to income taxation, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SB 541-By Goode.

An Act to repeal sections 643.310, 643.315, 643.320, 643.335, 643.350 and 643.355, RSMo 1994, and sections 307.366 and 643.210, RSMo Supp. 1997, relating to motor vehicle emissions, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

SB 542-By Goode.

An Act to repeal sections 260.380 and 260.479, RSMo 1994, relating to fees on hazardous wastes, and to enact in lieu thereof three new sections relating to the same subject, with an effective date for certain sections.

SB 543-By Goode.

An Act to repeal sections 640.102, 640.115, 640.120, 640.125, 640.130, 644.101, 644.116 and 644.122, RSMo 1994, and sections 640.100 and 644.026, RSMo Supp. 1997, relating to public drinking water, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions and an emergency clause.

SB 544-By Singleton.

An Act to repeal sections 115.123 and 115.495, RSMo Supp. 1997, relating to the establishment of a presidential preference primary, and to enact in lieu thereof thirteen new sections relating to the same subject.

SB 545-By Singleton.

An Act to repeal section 53.010, RSMo 1994, relating to the election of county assessors, and to enact in lieu thereof one new section relating to the same subject.

SB 546-By Singleton, Bentley and Russell.

An Act to repeal section 565.082, RSMo 1994, relating to crimes against law enforcement officers, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 547-By Howard.

An Act to repeal sections 301.217, 301.218 and 301.227, RSMo 1994, and sections 301.010, 301.020, 301.190, 301.570 and 301.573, RSMo Supp. 1997, relating to rebuilt motor vehicles, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

SB 548-By Howard.

An Act to repeal section 630.003, RSMo 1994, relating to the state mental health commission, and to enact in lieu thereof one new section relating to the same subject.

SB 549-By Howard.

An Act to repeal sections 195.050, 337.015 and 338.010, RSMo 1994, and sections 195.010, 195.100, 195.110, 195.204 and 195.400, RSMo Supp. 1997, relating to psychologists, and to enact in lieu thereof nine new sections relating to the same subject.

SB 550-By Johnson.

An Act to repeal section 233.187, RSMo Supp. 1997, relating to the appointment of a treasurer of road districts, and to enact in lieu thereof one new section relating to the same subject.

SB 551-By Johnson.

An Act to repeal section 247.180, RSMo Supp. 1997, relating to elections, and to enact in lieu thereof one new section relating to the same subject.

SB 552-Withdrawn.

SB 553-By Bentley.

An Act to repeal section 167.223, RSMo 1994, relating to postsecondary course options, and to enact in lieu thereof one new section relating to the same subject.

SB 554-By Sims.

An Act to repeal section 144.030, RSMo Supp. 1997, relating to sales and use taxation, and to enact in lieu thereof one new section relating to the same subject.

SB 555-By Sims.

An Act to repeal sections 407.911 and 407.913, RSMo 1994, relating to sales commissions, and to enact in lieu thereof two new sections relating to the same subject.

SB 556-By Sims.

An Act to repeal section 452.400, RSMo Supp. 1997, relating to visitation, and to enact in lieu thereof one new section relating to the same subject.

SB 557-By Schneider.

An Act to repeal sections 364.120, 365.140, 385.050, 408.083, 408.170 and 408.320, RSMo 1994, relating to prepayment of certain loans, and to enact six new sections relating to the same subject.

SB 558-By Wiggins.

An Act to repeal section 144.062, RSMo 1994, relating to certain sales tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

SB 559-By Wiggins.

An Act to amend chapter 400, RSMo, relating to the uniform commercial code by adding thereto one new section relating to the same subject.

SB 560-By Wiggins.

An Act relating to the treatment of drug offenders.

SB 561-By Caskey.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to billing procedures of providers of utility services.

SB 562-By Russell.

An Act to repeal sections 566.617 and 589.417, RSMo Supp. 1997, relating to the registration of certain offenders, and to enact in lieu thereof one new section relating to the same subject.

SB 563-By Russell.

An Act to amend chapter 165, RSMo, by adding thereto one new section relating to audits of public school enrollment and average daily attendance.

SB 564-By Russell.

An Act to repeal sections 135.020 and 135.030, RSMo 1994, relating to income tax credits, and to enact in lieu thereof two new sections relating to the same subject.

SB 565-By Goode.

An Act to repeal sections 210.211, 210.245, 210.252 and 210.256, RSMo 1994, and section 210.221, RSMo Supp. 1997, relating to the regulation of certain child care providers, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

SB 566-By Goode and Clay.

An Act to repeal section 386.570, RSMo 1994, relating to penalties for violation of public service commission orders, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 567-By Goode.

An Act to amend chapter 640, RSMo, by adding two new sections relating to environmental protection, with penalty provisions.

SB 568-By Singleton.

An Act to repeal section 400.9-313, RSMo 1994, relating to security interests in fixtures, and to enact in lieu thereof one new section relating to the same subject.

SB 569-By Singleton.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance.

SB 570-By Singleton.

An Act to repeal section 64.725, RSMo Supp. 1997, relating to temporary county planning commissions, and to enact in lieu thereof one new section relating to the same subject.

SB 571-Johnson.

An Act to repeal sections 109.120, 109.130, 109.241 and 575.110, RSMo 1994, relating to public records, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 572-Withdrawn.

SB 573-By Wiggins.

An Act to amend chapter 574, RSMo, relating to offenses against public order, by adding thereto one new section relating to the same subject, with penalty provisions.

SB 574-By Russell.

An Act to repeal section 143.121, RSMo 1994, relating to income taxation, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SB 575-By Russell.

An Act relating to a prohibition on the tattooing or body piercing of a minor without the consent of such minor's parent or guardian, with a penalty provision.

SB 576-By Russell.

An Act to repeal section 494.430, RSMo 1994, relating to persons entitled to be excused from jury duty, and to enact in lieu thereof two new sections relating to the same subject.

SB 577-By Singleton and Russell.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to unsolicited consumer telephone calls, with penalty provisions.

SB 578-By Singleton.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance.

SB 579-By Russell.

An Act authorizing the governor to convey certain state property in Camden County.

SB 580-By Lybyer.

An Act to repeal section 79.050, RSMo 1994, relating to municipal elections in fourth class cities, and to enact in lieu thereof one new section relating to the same subject.

SB 581-By Lybyer.

An Act to repeal sections 178.892, 178.893 and 178.894, RSMo 1994, section 178.635, RSMo Supp. 1997, and sections 178.895 and 178.896 as enacted by senate bill no. 1, eighty-ninth general assembly, second extraordinary session, relating to Linn State Technical College, and to enact in lieu thereof six new sections relating to the same subject, with a termination date for certain sections.

SB 582-By Ehlmann.

An Act to amend chapter 66, RSMo, by adding thereto one new section relating to the powers of first class charter counties.

SB 583-By Maxwell.

An Act to amend chapter 11, RSMo, by adding thereto five new sections relating to the common language of the state.

SB 584-By Schneider.

An Act to repeal section 287.615, RSMo 1994, and section 286.005, RSMo Supp. 1997 relating to the department of labor and industrial relations, and to enact in lieu thereof two new sections relating to the same subject.

SB 585-By Ehlmann.

An Act to repeal section 27.060, RSMo 1994, relating to the powers of the attorney general, and to enact in lieu thereof one new section relating to the same subject.

SB 586-By Sims.

An Act to repeal sections 188.015, 188.030, 188.035 and 188.075, RSMo 1994, and to enact in lieu thereof five new sections relating to intact dilation and extraction procedures, with a penalty provision.

SB 587-By Scott.

An Act to repeal sections 190.060, 190.100, 190.105, 190.110, 190.115, 190.120, 190.125, 190.130, 190.135, 190.140, 190.141, 190.150, 190.155, 190.160, 190.165, 190.171, 190.175, 190.180, 190.190, 190.235, 190.237, 190.239, 190.241, 190.243, 190.245 and 190.247, RSMo 1994, sections 190.145, as both versions appear in RSMo Supp. 1997, and section 198.185, RSMo Supp. 1997, relating to emergency medical services, and to enact in lieu thereof twenty-eight new sections relating to the same subject.

SB 588-By Caskey.

An Act to repeal section 178.930, RSMo Supp. 1997, relating to funding for sheltered workshops, and to enact in lieu thereof one new section relating to the same subject.

SB 589-By Mueller.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to claims against certain licensed professionals.

SB 590-By Sims.

An Act to repeal section 143.171, RSMo 1994, relating to deductibility of federal income taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 591-By Schneider.

An Act to repeal sections 537.610 and 537.756, RSMo 1994, and section 105.711, RSMo Supp. 1997, relating to sovereign immunity, and to enact in lieu thereof three new sections relating to the same subject.

SB 592-By Goode.

An Act to repeal sections 303.041 and 303.190, RSMo 1994, and sections 303.024 and 303.026, RSMo Supp. 1997, relating to financial responsibility for motor vehicles, and to enact in lieu thereof five new sections relating to the same subject, with an effective date.

SB 593-By Goode.

An Act to amend chapter 643, RSMo, by adding thereto one new section relating to expedited permit review.

SB 594-By Johnson.

An Act to repeal section 578.009, RSMo 1994, relating to animal neglect, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 595-By Johnson.

An Act to repeal section 578.009, RSMo 1994, relating to animal neglect, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 596-By Johnson.

An Act to amend chapter 578, RSMo, by adding thereto two new sections relating to animal neglect, with penalty provisions.

SB 597-By Johnson.

An Act to repeal section 52.275, RSMo 1994, relating to drainage districts, and to enact in lieu thereof one new section relating to the same subject.

SB 598-By Russell.

An Act relating to school attendance.

SB 599-By Russell.

An Act to repeal section 302.060, RSMo Supp. 1997, relating to motor vehicles, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 600-By Ehlmann.

An Act to amend chapter 70, RSMo, by adding thereto one new section relating to political subdivisions.

SB 601-By Schneider, Ehlmann, Wiggins, Klarich, Kinder and Flotron.

An Act to repeal sections 143.111 and 143.171, RSMo 1994, relating to certain income tax deductions, and to enact in lieu thereof three new sections relating to the same subject, with an effective date for certain sections.

SB 602-By Goode.

An Act to repeal section 116.190, RSMo Supp. 1997, relating to initiative petitions, and to enact in lieu thereof three new sections relating to the same subject.

SB 603-By Rohrbach.

An Act to repeal sections 32.055 and 32.091, RSMo Supp. 1997, relating to motor vehicle records, and to enact in lieu thereof two new sections relating to the same subject.

SB 604-By Rohrbach.

An Act to repeal sections 142.230 and 142.584, RSMo 1994, relating to motor fuel tax refunds, and to enact in lieu thereof two new sections relating to the same subject.

SB 605-By Ehlmann.

An Act to repeal sections 160.514, 160.518 and 160.538, RSMo 1994, and section 160.522, RSMo Supp. 1997, relating to education and to enact in lieu thereof four new sections relating to the same subject.

SB 606-By Westfall.

An Act to amend chapter 324, RSMo, by adding thereto fifteen new sections relating to professional registration.

SB 607-By Graves.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to authorized work programs for inmates.

SB 608-By Childers.

An Act to repeal section 192.1000, RSMo Supp. 1997, relating to the department of health, and to enact in lieu thereof one new section relating to the same subject.

SB 609-By Childers.

An Act to repeal section 168.021, RSMo 1994, relating to certification of teachers, and to enact in lieu thereof one new section relating to the same subject.

SB 610-By Singleton.

An Act to repeal sections 323.020 and 323.060, RSMo 1994, relating to liquefied petroleum gases, and to enact in lieu thereof two new sections relating to the same subject.

SB 611-By Johnson.

An Act to repeal section 334.010, RSMo 1994, and to enact in lieu thereof one new section relating to practice of medicine across state lines.

SB 612-By DePasco.

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to certain licensees of excursion gambling boats, with penalty provisions.

SB 613-By Goode.

An Act to amend chapter 66, RSMo, by adding thereto one new section relating to water service lines in certain counties, with an emergency clause.

SB 614-By McKenna.

An Act to amend chapter 478, RSMo, by adding thereto one new section relating to probate commissioners.

SB 615-By McKenna.

An Act to repeal sections 572.070 and 572.125, RSMo 1994, relating to gambling, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 616-By McKenna.

An Act to repeal section 313.065, RSMo Supp. 1997, relating to bingo, and to enact in lieu thereof one new section relating to the same subject.

SB 617-By Bentley.

An Act to repeal sections 135.015, 135.020 and 135.030, RSMo 1994, and section 135.010, RSMo Supp. 1997, relating

to tax relief, and to enact in lieu thereof four new sections relating to the same subject, with an effective date.

SB 618-By McKenna.

An Act to repeal sections 537.610 and 537.756, RSMo 1994, and section 105.711, RSMo Supp. 1997, relating to sovereign immunity, and to enact in lieu thereof three new sections relating to the same subject.

SB 619-By McKenna and Lybyer.

An Act to repeal sections 142.009, 142.010, 142.020, 142.025, 142.030, 142.040, 142.050, 142.060, 142.070, 142.080, 142.090, 142.100, 142.110, 142.120, 142.130, 142.140, 142.150, 142.160, 142.165, 142.166, 142.167, 142.170, 142.180, 142.190, 142.200, 142.210, 142.220, 142.230, 142.240, 142.250, 142.260, 142.270, 142.280, 142.290, 142.295, 142.300, 142.330, 142.340, 142.350, 142.362, 142.364, 142.366, 142.372, 142.374, 142.403, 142.404, 142.406, 142.412, 142.422, 142.432, 142.442, 142.452, 142.462, 142.466, 142.472, 142.482, 142.492, 142.511, 142.513, 142.515, 142.517, 142.521, 142.531, 142.541, 142.551, 142.561, 142.563, 142.571, 142.573, 142.575, 142.577, 142.579, 142.583, 142.584, 142.591, 142.611, 142.617, 142.621, 155.080 and 414.102, RSMo 1994, and section 319.132, RSMo Supp. 1997, relating to motor fuel, and to enact in lieu thereof fifty-nine new sections relating to the same subject, with penalty provisions and an effective date.

SB 620-By Goode.

An Act to amend chapter 8, RSMo, by adding thereto seven new sections relating to the procurement of services for state construction projects.

SB 621-By Goode.

An Act to repeal section 8.250, RSMo Supp. 1997, relating to contracts for projects by state and certain subdivisions, and to enact in lieu thereof one new section relating to the same subject.

SB 622-By Ehlmann.

An Act to repeal section 536.031, RSMo 1994, relating to administrative rules, and to enact in lieu thereof two new sections relating to the same subject.

SB 623-By Ehlmann and House.

An Act to repeal sections 305.510 and 305.515, RSMo 1994, relating to the Missouri-St.Louis Metropolitan Airport Authority, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

SB 624-By Ehlmann.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to academic dishonesty, with penalty provisions.

SB 625-By Caskey.

An Act to repeal sections 190.100, 190.105, 190.110, 190.115, 190.120, 190.125, 190.130, 190.140, 190.141, 190.150, 190.155, 190.160, 190.165, 190.171, 190.175, 190.180 and 190.190, RSMo 1994, and sections 190.145 and 190.185, RSMo Supp. 1997, relating to emergency services, and to enact in lieu thereof seventeen new sections relating to the same subject, with penalty provisions.

SB 626-By Mathewson, Lybyer and Johnson.

An Act Chapter 407, RSMo, is amended by adding thereto one new section relating to certain farm and industrial equipment dealers and manufacturers.

SB 627-By Goode, Mathewson, Flotron, Clay and Schneider.

An Act to repeal sections 66.300, 92.045, 94.110, 94.270 and 94.360, RSMo 1994, and sections 144.010 and 144.020, RSMo Supp. 1997, relating to taxation, and to enact in lieu thereof seven new sections relating to the same subject.

SB 628-By Goode, Clay, Mathewson, McKenna, Flotron, Schneider and Childers.

An Act to amend chapter 190, RSMo, relating to emergency services by adding thereto three new sections relating to wireless emergency telecommunications, with an emergency clause.

SB 629-By Goode.

An Act to amend chapter 67, RSMo, by adding thereto twenty-two new sections relating to property taxation, with penalty provisions.

SB 630-By Rohrbach.

An Act to repeal section 306.016, RSMo Supp. 1997, relating to watercraft, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

SB 631-By Bentley.

An Act to amend chapter 109, RSMo, by adding thereto one new section relating to public records.

SB 632-By Quick.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to providing health care for certain uninsured individuals.

SB 633-By Ehlmann.

An Act to repeal section 542.276, RSMo 1994, relating to criminal procedure, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 634-By Westfall.

An Act to repeal sections 577.020 and 577.041, RSMo Supp. 1997, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions and an emergency clause.

SB 635-By Scott.

An Act to repeal sections 407.400 and 407.413, RSMo 1994, relating to merchandising practices by certain distributors of intoxicating liquor for the sole purpose of enacting in lieu thereof two new sections relating to the same subject.

SB 636-By Russell.

An Act to amend chapter 104, RSMo, by adding thereto one new section relating to retirement benefit eligibility for certain elected officials.

SB 637-By Rohrbach.

An Act relating to the personal records of state employees.

SB 638-By Rohrbach.

An Act to repeal section 64.180, RSMo 1994, relating to building codes in certain counties, and to enact in lieu thereof

one new section relating to the same subject.

SB 639-By House.

An Act to repeal section 171.021, RSMo 1994, relating to reciting the Pledge of Allegiance in public schools, and to enact in lieu thereof one new section relating to the same subject.

SB 640-By House.

An Act to repeal sections 163.161 and 167.275, RSMo 1994, relating to education, and to enact in lieu thereof two new sections relating to the same subject.

SB 641-By House.

An Act to repeal section 173.260, RSMo 1994, relating to the survivor grant program, and to enact in lieu thereof one new section relating to the same subject.

SB 642-By Maxwell.

An Act to repeal section 33.103, RSMo Supp. 1997, relating to state financial administration, and to enact in lieu thereof one new section relating to the same subject.

SB 643-By Bentley.

An Act to amend chapter 104, RSMo, by adding thereto one new section relating to forfeiture of retirement benefits by certain public officials.

SB 644-By House and Ehlmann.

An Act to repeal section 172.273, RSMo Supp. 1997, relating to the university of Missouri, and to enact in lieu thereof one new section relating to the same subject.

SB 645-By House.

An Act to amend chapter 11, RSMo, by adding thereto five new sections relating to the official language of the state.

SB 646-By House.

An Act to repeal section 575.010, RSMo 1994, relating to offenses against the administration of justice, and to enact three new sections relating to the same subject, with penalty provisions.

SB 647-By House.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to sexual education in public schools.

SB 648-By House.

An Act to amend chapter 389, RSMo, by adding thereto one new section relating to railroads.

SB 649-By House.

An Act to repeal section 301.142, RSMo Supp. 1997, relating to physically disabled license plates and placards, and to enact in lieu thereof one new section relating to the same subject.

SB 650-By McKenna, Mueller, Scott, Clay, Rohrbach, Johnson, House, DePasco, Staples, Lybyer, Yeckel, Banks and Flotron.

An Act to create chapter 324, RSMo, by enacting ten new sections relating to the regulation of the practice of medical nutrition therapy, with penalty provisions.

SB 651-By McKenna.

An Act to repeal sections 452.150, 452.355, 452.377, 452.405, 452.411, 452.416, 452.600 and 452.605, RSMo 1994, and sections 452.340, 452.375 and 452.400, RSMo Supp. 1997, relating to child custody and child support proceedings, and to enact in lieu thereof fourteen new sections relating to the same subject.

SB 652-By Childers.

An Act to amend chapter 52, RSMo, by adding thereto one new section relating to records of taxation.

SB 653-By Childers.

An Act to repeal section 70.210, RSMo 1994, relating to political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

SB 654-By Childers, Russell and Lybyer.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to income tax credits for charcoal producers.

SJR 20-By Schneider.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the constitution of Missouri relating to term limits, and adopting one new section in lieu thereof relating to the same subject.

SJR 21-By Mathewson.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to Article X of the Constitution of Missouri relating to disposition of funds received as a result of certain legal settlements.

SJR 22-By Goode.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri relating to state revenues and expenditures.

SJR 23-By Rohrbach.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27(a) of article IV of the Constitution of Missouri, relating to certain funds in the state treasury and adopting two new sections in lieu thereof relating to the same subject.

SJR 24-By Maxwell.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 37(e) of article III of the Constitution of Missouri relating to powers of the legislature by adding thereto two new sections relating to the issuance of bonds for water pollution control.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 655-By Childers.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to professional development schedules for public schools.

SB 656-By Childers.

An Act to amend chapters 144 and 215, RSMo, by adding thereto six new sections relating to a rural housing development program.

SB 657-By Caskey.

An Act to repeal section 104.800, RSMo Supp. 1997, relating to certain retirement systems, and to enact in lieu thereof two new sections relating to the same subject.

SB 658-By Caskey.

An Act to repeal sections 164.011 and 165.011, RSMo Supp. 1997, relating to school funds, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

SB 659-By Caskey.

An Act to repeal sections 57.201, 57.220, 57.221 and 57.251, RSMo 1994, and section 57.250, RSMo Supp. 1997, relating to sheriffs, and to enact in lieu thereof six new sections relating to the same subject.

SB 660-By Caskey.

An Act to repeal section 544.157, RSMo Supp. 1997 relating to arrest powers, and to enact in lieu thereof one new section relating to the same subject.

SB 661-By Caskey.

An Act to repeal sections 319.129, 319.131 and 319.133, RSMo Supp. 1997, relating to the petroleum storage tank insurance fund, and to enact in lieu thereof three new sections relating to the same subject.

SB 662-By Westfall.

An Act to repeal sections 302.302, 302.505, 302.510, 302.520, 302.541, 577.012 and 577.037, RSMo Supp. 1997, relating to alcohol-related traffic offenses, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

SB 663-By Westfall.

An Act to repeal section 575.010, RSMo 1994, relating to offenses against the administration of justice, and to enact three new sections relating to the same subject, with penalty provisions.

SB 664-By Westfall.

An Act to repeal section 375.786, RSMo 1994, relating to certificates of authority required for the transaction of insurance business, and to enact in lieu thereof one new section relating to the same subject.

SB 665-By Mueller.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to public officers and employees.

SB 666-By DePasco.

An Act to repeal sections 115.133, 115.199, 115.369, 115.377, 115.381 and 115.437, RSMo 1994, and 105.492,

115.123, 115.125, 115.151, 115.155, 115.275, 115.277, 115.283 and 115.387, RSMo Supp. 1997, relating to elections, and to enact in lieu thereof fifteen new sections relating to the same subject.

SB 667-By Kenney.

An Act to repeal section 143.161, RSMo 1994, relating to state income tax, and to enact in lieu thereof one new section relating to the same subject.

SB 668-By Kenney.

An Act to amend chapter 116, RSMo, by adding thereto one new section relating to ballot measures.

SB 669-By Kenney.

An Act to repeal sections 287.930, 287.950 and 287.955, RSMo 1994, relating to infectious waste transporters, and to enact in lieu thereof five new sections relating to the same subject.

SB 670-By Kenney.

An Act to repeal sections 573.040 and 573.060, RSMo 1994, relating to the exposure of minors to online pornography, and to insert in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 671-By Scott.

An Act to repeal section 211.156, RSMo 1994, relating to the care and detention of certain children, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 672-By Mathewson.

An Act relating solely to intoxicating liquor wholesalers' and retailers' delivery practices, with penalty provisions.

SB 673-By Sims.

An Act to amend chapter 455, RSMo, by adding thereto four new sections relating to domestic violence.

SB 674-By Sims and Bentley.

An Act to repeal sections 453.010, 453.030, 453.040, 453.070, 453.075, 453.077, 453.080 and 453.170, RSMo Supp. 1997, relating to adoption, and to enact in lieu thereof eight new sections relating to the same subject.

CONCURRENT RESOLUTIONS

Senators Graves, Rohrbach and Klarich offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 27

WHEREAS, the State Tax Commission is required pursuant to section 137.021 of the Revised Statutes of Missouri to biannually promulgate by regulation a value based upon productive capability for each grade of agricultural and horticultural land; and

WHEREAS, on October 15, 1997, the State Tax Commission filed with the Secretary of State a proposed amendment to 12 CSR 30-4.010 relating to agricultural land productive values; and

WHEREAS, the proposed amendment to 12 CSR 30.4-010 increases the values of various agricultural land grades beyond the level which the General Assembly considers to be fair and reasonable; and

WHEREAS, section 137.021 of the Revised Statutes of Missouri permits the General Assembly to disapprove, within the first sixty days of the regular session, the promulgated agricultural values; and

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the members of the General Assembly disapprove of the new agricultural land productive values contained in the proposed amendment to 12 CSR 30-4.010 and that the State Tax Commission shall continue to use values set forth in the most recent preceding regulation promulgated under section 137.021 of the Revised Statutes of Missouri.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the Governor for his review and consideration.

Senator Westfall offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 28

WHEREAS, the State Tax Commission is required pursuant to section 137.021 of the Revised Statutes of Missouri to biannually promulgate by regulation a value based upon productive capability for each grade of agricultural and horticultural land; and

WHEREAS, on October 15, 1997, the State Tax Commission filed with the Secretary of State a proposed amendment to 12 CSR 30-4.010 relating to agricultural land productive values; and

WHEREAS, the proposed amendment to 12 CSR 30.4-010 increases the values of various agricultural land grades beyond the level which the General Assembly considers to be fair and reasonable; and

WHEREAS, section 137.021 of the Revised Statutes of Missouri permits the General Assembly to disapprove, within the first sixty days of the regular session, the promulgated agricultural values; and

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the members of the General Assembly disapprove of the new agricultural land productive values contained in the proposed amendment to 12 CSR 30-4.010 and that the State Tax Commission shall continue to use values set forth in the most recent preceding regulation promulgated under section 137.021 of the Revised Statutes of Missouri.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the Governor for his review and consideration.

Senator Kinder offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 29

WHEREAS, the State Tax Commission is required pursuant to section 137.021 of the Revised Statutes of Missouri to biannually promulgate by regulation a value based upon productive capability for each grade of agricultural and horticultural land; and

WHEREAS, on October 15, 1997, the State Tax Commission filed with the Secretary of State a proposed amendment to 12 CSR 30-4.010 relating to agricultural land productive values; and

WHEREAS, the proposed amendment to 12 CSR 30.4-010 increases the values of various agricultural land grades beyond the level which the General Assembly considers to be fair and reasonable; and

WHEREAS, section 137.021 of the Revised Statutes of Missouri permits the General Assembly to disapprove, within the first sixty days of the regular session, the promulgated agricultural values; and

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the members of the General Assembly disapprove of the new agricultural land productive values contained in the proposed amendment to 12 CSR 30-4.010 and that the State Tax Commission shall continue to use values set forth in the most recent preceding regulation promulgated under section 137.021 of the Revised Statutes of Missouri.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the Governor for his review and consideration.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Eighty-Ninth General Assembly, Second Regular Session, inform the Senate that the House is duly convened and is now in session ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HR 2**.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Eighty-Ninth General Assembly, Second Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 1**.

HOUSE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED, by the House of Representatives of the Eighty-Ninth General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 14, 1998, to receive a message from His Honor, Duane Benton, the Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Eighty-Ninth General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that his Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 2**.

HOUSE CONCURRENT RESOLUTION NO. 2

BE IT RESOLVED, by the House of Representatives of the Eighty-Ninth General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 21, 1998, to receive a message from His Excellency, Mel Carnahan, the Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and the Senate of the Eighty-Ninth General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

INTRODUCTIONS OF GUESTS

The President introduced to the Senate, former U.S. Representative Harold Volkmer and his wife, Diane.

Senator Staples introduced to the Senate, Cleophus Jones, Jefferson City.

Senator Banks introduced to the Senate, his wife, Anita; former State Senator John Bass and John Aikins, St. Louis.

Senator Wiggins introduced to the Senate, Vern Debo and Chris Werner, Kansas City.

Senator Schneider introduced to the Senate, Kim Besserman, Florissant.

Senator Singleton introduced to the Senate, Gary Crites and Jeremy Morrissey, Joplin.

Senator Clay introduced to the Senate, Ollie Stewart, St. Louis.

Senator Bentley introduced to the Senate, Tracy Hedrick, Springfield.

Senator Russell introduced to the Senate, the Physician of the Day, Dr. Rolf Gryte, D.O., and his wife, Barbara, Osage Beach.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

SECOND DAY--THURSDAY, JANUARY 8, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, bless our efforts on behalf of the people. Help us to be examples of what is good and right about our nation and State. Use us to restore faith in our way of life and to give hope to those who see only the bad in what we do. Lift us to high standards and the will to live up to them. Amen.

President Wilson assumed the Chair.

The Pledge of Allegiance to the Flag was recited.

President Pro Tem McKenna assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
Absent with leave--Senators			
Curls	Scott--2		
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 963, regarding Eagle-Picher Industries Inc., Joplin, which was adopted.

Senator Singleton offered Senate Resolution No. 964, regarding Dr. Betsy Griffin, which was adopted.

On behalf of Senator Curls, Senator Quick offered Senate Resolution No. 965, regarding the Zion Grove Missionary Baptist Church, Kansas City, which was adopted.

Senator Howard offered Senate Resolution No. 966, regarding Dennis M. Priest, Poplar Bluff, which was adopted.

Senators Jacob and McKenna offered Senate Resolution No. 967, regarding Mr. J. O. Harris, Columbia, which was adopted.

Senator Wiggins offered Senate Resolution No. 968, regarding the Sixtieth Wedding Anniversary of Fred and Juanita Werner, Kansas City, which was adopted.

Senator Quick offered the following resolution:

SENATE RESOLUTION NO. 969

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year; and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect; and

WHEREAS, the rates of pay established shall become effective in January.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director, two deputy department directors, and six division level directors to be compensated according to Office of Administration guidelines for compensation of division directors; and the following authorized employees at rates of pay within the ranges hereby established:

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
6	Staff Attorney II	2,520 - 4,094
1	Research Analyst II	2,520 - 4,094
2	Research Analyst III	3,201 - 5,105
1	Investigator	2,421 - 3,834
7	Research Staff Secretary	1,843 - 2,625
5	Budget Research Analyst II	2,520 - 4,094
4	Assistant Secretary of Senate	2,148 - 3,369
5.5	Enrolling & Engrossing Clerk	1,774 - 2,625
0.5	Billroom Supervisor	1,774 - 2,625
2	Billroom Clerk	1,250 - 1,638
3	Public Information Specialist I	1,774 - 2,625
2	Public Information Specialist II	1,911 - 2,908
3	Administrative Assistant	1,500 - 5,159
2	Executive Assistant	1,500 - 5,045
1	Telecommunications Coordinator	2,234 - 3,516
3	Accountant	1,774 - 2,625
7	Administrative Secretary	1,500 - 3,345
8	Clerical Assistant	1,500 - 2,723
1	Messenger	1,388 - 1,872
1	Data Control Coordinator	1,988 - 3,034
3	Programmer III	2,421 - 3,834
1	Systems Programmer II	2,625 - 4,276
1	Computer Specialist	2,421 - 3,834
3	Computer Operator III	1,988 - 3,034
4	Data Entry Operator III	1,537 - 2,193
1	Graphics Supervisor	1,843 - 2,908
3	Composing Equipment Operator III	1,711 - 2,520
1	Mailroom Supervisor	1,774 - 2,625
2	Duplicating Equipment Operator I	1,341 - 1,801
2	Duplicating Equipment Operator II	1,492 - 2,056
2	Duplicating Equipment Operator III	1,649 - 2,374

1	Duplicating Equipment Operator IV	1,774 - 2,625
1	Photographer	1,400 - 3,164
0.25	Physical Plant Supervisor	1,830 - 3,579
1	Maintenance Supervisor	1,843 - 2,793
1	Carpenter II	1,711 - 2,520
6.5	Custodian II	950 - 1,638
2	Custodian III	1,439 - 1,980
1	Sergeant-at-Arms (elected)	1,988 - 3,034
0.5	Doorkeeper (elected)	1,000 - 2,087
3	Assistant Doorkeeper	800 - 1,470
0.5	Reading Clerk	750 - 1,612
0.5	Chaplain (elected)	500 - 890
3	Security Guard	1,388 - 1,872

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator for the employment of Administrative and Clerical Assistants. Each Senator will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' administrative and clerical assistants shall be within the limits of the categories set forth hereinabove.

BE IT FURTHER RESOLVED that the Senate Administrator, with the approval of the Senate Administration Committee, shall have the authority to cooperate and coordinate with the House Administrator in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED that the Committee on Administration has the authority to reduce, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to adjust the foregoing pay ranges in July to reflect implementation of the state pay plan for FY 1999.

CONCURRENT RESOLUTIONS

Senators Mathewson, Singleton, Howard, McKenna, Westfall, Johnson, Maxwell, Caskey, Graves, Staples, Russell, Quick, Ehlmann, Lybyer, Childers, Jacob, Goode, Wiggins, Scott and Rohrbach offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 30

WHEREAS, rural telecommunications customers have lesser toll-free calling scopes than do urban customers, and rural customers pay more on average in toll bills than do urban customers; and

WHEREAS, Community Optional Service (COS) was created to afford rural customers with toll-free calling scopes to lessen this disparity; and

WHEREAS, COS is of vital importance to rural customers, both in petitioning and target COS exchanges, which allows customers to reach friends, relatives, children, grandchildren, schools, medical providers, churches, and businesses on a toll-free basis; and

WHEREAS, in recent legislation enacted by the General Assembly, the intent was to foster competition as a substitute for regulation, where and when competition exists, and for the benefit of consumers in increased variety of service offerings, increased quality of service, and at lower prices. The legislation specifically retained the goals of universal service and parity of service between rural and urban areas. It was the intent of this legislation that rural customers not be harmed by increased competition; and

WHEREAS, recently the Public Service Commission (PSC) of the State of Missouri announced its decision to terminate COS by March 31, 1998; and

WHEREAS, the PSC failed to notify and give users of COS the opportunity to participate in this decision. The elimination of COS will be detrimental to rural customers and communities; and

WHEREAS, meaningful competition, and in some cases adequate facilities upon which increased competition can even be provided, is not yet present in the rural areas where COS is available, and is not expected to be available by March 31, 1998; and

WHEREAS, the PSC failed to protect rural customers by delaying the elimination of COS until it can be replaced by comparable or adequate substitutes for this vital service:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Eighty-ninth General Assembly, the House of Representatives concurring therein, hereby direct the PSC to do the following:

- 1. Vacate the decision to eliminate COS by March 31, 1998.
- 2. Reopen the consideration of the decision as to whether to modify or eliminate COS.
- 3. Notify all affected members of the public, their local and state elected officials, and newspapers of general circulation, that the decision is being reconsidered, and announce local public hearings.

President Pro Tem McKenna referred **SCR 27**, **SCR 28** and **SCR 29** to the Committee on Rules, Joint Rules and Resolutions.

Senator Quick moved that **HCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator Quick, **HCR 1** was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Childers	Clay
Ehlmann	Flotron	Goode	Graves
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Mueller
Rohrbach	Russell	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--24
NAYS--Senators			
Caskey	DePasco	Howard	Jacob
Lybyer	Quick--6		
Absent--Senators			
House	Schneider--2		
Absent with leave--Senators			
Curls	Scott--2		

Senator Quick moved that **HCR 2** be taken up for adoption, which motion prevailed.

On motion of Senator Quick, **HCR 2** was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Caskey	Howard--2		
Absent--Senators			

House	Schneider--2
	Absent with leave--Senators
Curls	Scott--2

RESOLUTIONS

Senator Quick, joined by the entire membership of the Senate, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 970

WHEREAS, it is always a moment of great pride when the members of the Missouri Senate pause to recognize an individual whose tireless commitment to duty has contributed significantly to the overall effectiveness of this august legislative body; and

WHEREAS, Kyle Rex Adams of Jefferson City closed the door on his career with the Missouri Senate when he retired at the end of 1997 -- a situation that can best be described as an open-and-shut case; and

WHEREAS, Rex Adams began employment as a Doorkeeper for the Senate in 1986 and assumed the responsibilities of Head Doorkeeper in 1991, in which prestigious capacity he prudently used his head to courteously welcome or dismiss visitors who headed for the doors to the Chamber; and

WHEREAS, during his seven-year reign as "King of Doors", Rex Adams provided outstanding leadership and earned a reputation as a dedicated employee who served with honor, loyalty, and distinction; and

WHEREAS, Rex Adams endeared himself to countless individuals over the years through his sense of humor by singing to the Chamber staff prior to the beginning of the session, by organizing pools speculating on when the Senate would adjourn, and by refusing to wear his hearing aids for fear that he might hear "a little too well"; and

WHEREAS, Rex Adams developed a considerable degree of expertise on the history of the Senate Chamber and the entire Capitol, and enthusiastically imparted that knowledge to numerous school groups and other guests who had occasion to visit this historic statehouse; and

WHEREAS, Rex Adams will be missed at the Capitol this session and in years to come when the Senators sadly realize that their source of candy which had always been stashed in his desk drawer has been finally depleted; and

WHEREAS, Rex Adams came to the Senate with a wealth of experience gained teaching history and coaching basketball at Jefferson City Junior College, which honored him by closing its doors in 1958, and serving as Assistant Principal at Jefferson City High School, where he justifiably earned the nickname "Sexy Rexie";

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, join unanimously in expressing appreciation to Rex Adams for his faithful service and in wishing him a pleasant retirement spending time with his wife and children; visiting his Gerbes Coffee Club cronies; watching the Missouri Tigers and other sports events on television when he can manage to stay awake; and opening any other new doors that might suit his fancy like improving his golf game; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Rex Adams.

Senator McKenna requested unanimous consent of the Senate that the rules be suspended and that Rex Adams be allowed to address the members of the Senate, which request was granted.

Mr. Rex Adams assumed the dais and addressed the membership.

President Pro Tem McKenna resumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 675-By Johnson.

An Act to repeal section 135.030, RSMo 1994, and section 135.010, RSMo Supp. 1997, relating to circuit breaker tax relief, and to enact in lieu thereof two new sections relating to the same subject.

SB 676-By Johnson.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to local government.

SB 677-By Westfall.

An Act to repeal section 164.013, RSMo 1994, relating to reduction of school operating levies, and to enact in lieu thereof one new section relating to the same subject.

SB 678-By Westfall.

An Act to repeal section 301.380, RSMo 1994, and to enact in lieu thereof two new sections relating to homemade trailers.

SB 679-By Clay, Wiggins, Rohrbach and Jacob.

An Act to repeal section 105.927, RSMo 1994, relating to certain compensation programs for state employees, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 680-By Wiggins and Klarich.

An Act to amend chapter 351, RSMo, relating to corporations by adding thereto one new section relating to the merger of a domestic corporation with a direct or indirect wholly owned subsidiary without an election of shareholders.

SB 681-By Ehlmann.

An Act to repeal sections 33.752, 33.756, 67.653, 70.379, 92.418, 92.421, 166.203, 226.900, 226.905, 226.907, 226.910, 238.305, 313.270, 620.605 and 643.310, RSMo 1994, and section 33.753, RSMo Supp. 1997, and to enact in lieu thereof ten new sections relating to racial preferences by state and local governments.

INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, Ryan Knotts, Jessica Stolz and Brent Collins, Kansas City.

Senator Mueller introduced to the Senate, Ken Norton and Glen Farthing, St. Louis County.

Senator Clay introduced to the Senate, Alderman Steve Conway, St. Louis; and Sue Riddler, St. Charles.

Senator Singleton introduced to the Senate, Mayor James Carroll, and his sons, Anthony and Ryan, Noel.

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Monday, January 12, 1998.

Journal of the Senate

SECOND REGULAR SESSION

THIRD DAY--MONDAY, JANUARY 12, 1998

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, watch over our families while we are here. Don't let us be like the doctor whose children go untreated or the preacher whose children go unloved. Give us the ability to minister to the family of man without neglecting our own family. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Quick moved that the Senate Journal for Thursday, January 8, 1998, be corrected on Page 44, Column 1, Line 1, by deleting "and Klarich" and inserting in lieu thereof the words: ", Klarich and Mathewson", which motion prevailed.

The Journal for Thursday, January 8, 1998, was read and approved, as corrected.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Curls--1

The Lieutenant Governor was present.

Senator Quick nominated Ken Holman for the office of Doorkeeper.

Ken Holman was elected by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Graves

Schneider--2

Absent with leave--Senator Curls--1

Ken Holman advanced to the dais and was administered the oath of office by Lt. Governor Wilson.**RESOLUTIONS**

Senator Quick offered Senate Resolution No. 971, regarding John Cullum Brown, Kansas City, which was adopted.

Senator Russell offered Senate Resolution No. 972, regarding the One Hundred First Birthday of Calvin Clark Price, Grovespring, which was adopted.

Senator McKenna offered Senate Resolution No. 973, regarding Robert Lee McGraw, Imperial, which was adopted.

Senator Mathewson offered Senate Resolution No. 974, regarding the State Fair Community College Roadrunner Soccer Team, which was adopted.

Senator Mathewson offered Senate Resolution No. 975, regarding Sacred Heart School, Sedalia, which was adopted.

Senator Maxwell offered Senate Resolution No. 976, regarding the One Hundred Third Birthday of Nona Claggett, Palmyra, which was adopted.

Senator Quick moved that **SR 969** be taken up for adoption, which motion prevailed.

On motion of Senator Quick, **SR 969** was adopted.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 30**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

RESOLUTIONS

Senator Quick offered the following resolution:

SENATE RESOLUTION NO. 977

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives of the election of the following officer:

Doorkeeper.....Ken Holman

Senator Quick moved that the above resolution be adopted, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Mathewson moved that the rules be suspended and **SCR 30** be taken up for adoption, which motion prevailed.

Senator Wiggins assumed the Chair.

On motion of Senator Mathewson, **SCR 30** was adopted by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson

Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Banks	DePasco	Schneider--3	
	Absent with leave--Senator Curls--1		

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 682-By Westfall.

An Act to repeal section 288.090, RSMo Supp. 1997, relating to unemployment benefits, and to enact in lieu thereof one new section relating to the same subject.

SB 683-By Westfall and Childers.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to motor vehicle license plates.

SB 684-By Caskey.

An Act to repeal sections 211.073 and 211.181, RSMo Supp. 1997, relating to juveniles, and to enact in lieu thereof two new sections relating to the same subject.

SB 685-By Childers.

An Act to repeal section 165.011, RSMo Supp. 1997, relating to funds for public school capital projects, and to enact in lieu thereof one new section relating to the same subject.

SB 686-By Childers.

An Act to repeal section 163.023, RSMo 1994, relating to accreditation of school districts, and to enact in lieu thereof one new section relating to the same subject.

SB 687-By Sims and Bentley.

An Act to repeal sections 211.464 and 453.160, RSMo 1994, and sections 192.016, 211.444, 452.402, 453.025, 453.030, 453.040, 453.060, 453.070, 453.080, 453.110, RSMo Supp. 1997, relating to adoption, and to enact in lieu thereof twelve new sections relating to the same subject.

SB 688-By Jacob.

An Act to repeal section 633.010, RSMo 1994, relating to the department of mental health, and to enact in lieu thereof one new section relating to the same subject.

SB 689-By Jacob.

An Act to repeal section 210.030, RSMo 1994, relating to blood tests for pregnant women, and to enact in lieu thereof one new section relating to the same subject.

SB 690-By Jacob.

An Act to repeal sections 494.425 and 494.430, RSMo 1994, relating to jury service, and to enact in lieu thereof two new sections relating to the same subject.

SB 691-By Jacob.

An Act to repeal section 144.513, RSMo 1994, relating to sales tax.

SB 692-By Jacob.

An Act to repeal section 175.021, RSMo 1994, and sections 172.035 and 174.055, RSMo Supp. 1997, relating to student representatives on the governing boards of certain institutions of higher education, and to enact in lieu thereof three new sections relating to the same subject.

SB 693-By Jacob.

An Act to repeal section 313.835, RSMo 1994, relating to certain scholarship programs, and to enact in lieu thereof three new sections relating to the same subject.

SB 694-By Bentley and Maxwell.

An Act to repeal section 167.260, RSMo 1994, and 313.835, RSMo Supp. 1997, relating to prekindergarten education programs, and to enact in lieu thereof two new sections relating to the same subject.

SB 695-By Kinder.

An Act to authorize the board of regents of Southeast Missouri State University to convey certain property of Southeast Missouri State University in Cape Girardeau County Missouri, to the city of Cape Girardeau.

SB 696-By Schneider.

An Act to repeal sections 138.430, 196.790, 426.220, 426.230, 429.360, 512.180, 512.190, 512.200, 512.210, 512.250, 512.270, 512.280, 512.290, 512.300, 512.310, 512.320, 534.350, 534.360, 535.110, 541.020 and 571.090, RSMo 1994, and 479.500, 534.380 and 535.030, RSMo Supp. 1997, relating to appellate review by trial de novo, and to enact in lieu thereof fifteen new sections relating to the same subject.

SB 697-By House.

An Act to amend chapter 485, RSMo, by adding thereto five new sections relating to shorthand reporters.

SB 698-By Maxwell.

An Act to amend chapter 37, RSMo, by adding thereto two new sections relating to community based family services.

SB 699-By Maxwell.

An Act to amend chapter 620, RSMo, by adding thereto six new sections relating to the establishment of the family development account program.

SB 700-By Maxwell.

An Act to repeal sections 640.102, 640.115, 640.120, 640.125, 640.130, 644.101, 644.116 and 644.122, RSMo 1994, and sections 640.100 and 644.026, RSMo Supp. 1997, relating to public drinking water, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

SB 701-By Maxwell.

An Act to repeal section 208.010, RSMo 1994, relating to public assistance benefits, and to enact in lieu thereof one new section relating to the same subject.

SB 702-By Clay and Banks.

An Act to repeal section 565.020, RSMo 1994, relating to certain crimes, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 703-By Clay and Banks.

An Act to repeal section 565.030, RSMo 1994, relating to capital punishment, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 704-By Banks.

An Act to repeal section 374.700, RSMo 1994, relating to apprehension of fugitives, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 705-By Banks.

An Act to amend chapter 302, RSMo, by adding thereto two new sections relating to the enforcement of local traffic and parking violations, with penalty provisions and an effective date.

SB 706-By Flotron.

An Act to repeal section 71.288, RSMo Supp. 1997, relating to the regulation of billboards, and to enact in lieu thereof one new section relating to the same subject.

SB 707-By Flotron.

An Act to repeal sections 99.820 and 99.845 as enacted by senate bill no. 1 of the second extraordinary session, eighty-ninth general assembly, relating to tax increment financing, and to enact in lieu thereof two new sections relating to the same subject.

SB 708-By Flotron.

An Act relating to digital signatures, with penalty provisions.

SB 709-By DePasco.

An Act to repeal section 115.351, RSMo 1994, relating to the establishment of a presidential preference primary, and to enact in lieu thereof twelve new sections relating to the same subject.

SB 710-By DePasco.

An Act to repeal sections 115.133, 115.199, 115.369, 115.377, 115.381 and 115.437, RSMo 1994, and sections 105.492, 115.123, 115.125, 115.151, 115.155, 115.275, 115.277, 115.283 and 115.387, RSMo Supp. 1997, relating to elections, and to enact in lieu thereof fifteen new sections relating to the same subject.

SB 711-By McKenna.

An Act to amend chapter 324, RSMo, by adding thereto fourteen new sections relating to the regulation of certain medical personnel, with penalty provisions.

SB 712-By McKenna.

An Act to repeal section 572.010, RSMo 1994, relating to gambling, and to enact in lieu thereof one new section relating to the same subject.

SJR 25-By McKenna.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39(a) of article III of the Constitution of Missouri, relating to bingo and adopting one new section in lieu thereof relating to the same subject.

Senator Johnson assumed the Chair.

COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following committee pursuant to **HCR 1**: Senators Caskey, House, Jacob, Maxwell, Schneider, Wiggins, Bentley, Ehlmann, Klarich and Sims.

President Pro Tem McKenna appointed the following committee pursuant to **HCR 2**: Senators Clay, Curls, Goode, Howard, Lybyer, Mathewson, Flotron, Singleton, Westfall and Yeckel.

MISCELLANEOUS

President Pro Tem McKenna submitted the following:

HEARING SCHEDULE

89TH GENERAL ASSEMBLY

2ND REGULAR SESSION

January 12, 1998

	Monday	Tuesday	Wednesday	Thursday
8:30 a.m.		Commerce & Environment-SL (Goode)	Civil & Criminal Jurisprudence-SCR2 (Caskey)	Rules, Jt. Rules & Resolutions-SL (Quick)
9:00 a.m.		Aging, Families & Mental Health-SCR 1 (Howard)	Gubernatorial Appointments - SL (McKenna)	
11:00 a.m.		Labor & Ind. Relations-SCR 1 (Clay)	Elections, Pensions & Veterans' Affairs-SCR 1 (DePasco)	
1:30 p.m.		Transportation-SL (Staples)	Agriculture, Cons., Parks & Tourism - SL (Johnson)	
			Education - SCR 2 (House)	
2:00 p.m.	Financial & Gov. Organ. - SL (Maxwell)	Local Gov. & Economic Dev. - SCR 2 (Mathewson)		
2:30 p.m.			Insurance & Housing-SCR 1 (Curls)	
			Judiciary - SL (Schneider)	
3:00 p.m.		Corrections & General Laws-SL (Scott)		

8:00 p.m.	Public Health & Welfare- SL (Banks)	Ways & Means- SL (Wiggins)
	SL - Senate Lounge	
	SCR 1 - Senate Committee Room 1, Room 118	
	SCR 2 - Senate Committee Room 2, Room 119	

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 469--Corrections and General Laws.

SB 470--Aging, Families and Mental Health.

SB 472--Ways and Means.

SB473--Local Government and Economic Development.

SB 474--Civil and Criminal Jurisprudence.

SB 475--Public Health and Welfare.

SB 476--Financial and Governmental Organization.

SB 477--Agriculture, Conservation, Parks and Tourism.

SB 478--Civil and Criminal Jurisprudence.

SB 479--Local Government and Economic Development.

SB 480--Public Health and Welfare.

SB 481--Judiciary.

SB 482--Judiciary.

SB 483--Corrections and General Laws.

SB 484--Local Government and Economic Development.

SB 485--Local Government and Economic Development.

SB 486--Judiciary.

SB 487--Commerce and Environment.

SB 488--Education.

SB 489--Ways and Means.

SB 490--Corrections and General Laws.

SB 491--Ways and Means.

SB 492--Ways and Means.

SB 493--Civil and Criminal Jurisprudence.

SB 494--Elections, Pensions and Veterans' Affairs.

SB 495--Corrections and General Laws.

SB 496--Civil and Criminal Jurisprudence.

SB 498--Judiciary.

SB 499--Aging, Families and Mental Health.

SB 500--Education.

SB 501--Education.

SB 502--Education.

SB 503--Corrections and General Laws.

SB 504--Ethics.

SB 505--Local Government and Economic Development.

SB 506--Education.

SB 508--Transportation.

SB 509--Ethics.

SB 510--Corrections and General Laws.

SB 511--Local Government and Economic Development.

SB 512--Judiciary.

SB 513--Ways and Means.

SB 514--Ways and Means.

SB 515--Civil and Criminal Jurisprudence.

SB 516--Ways and Means.

SB 517--Insurance and Housing.

SB 518--Civil and Criminal Jurisprudence.

SB 519--Transportation.

SB 520--Commerce and Environment.

SB 521--Public Health and Welfare.

SB 522--Transportation.

SB 523--Corrections and General Laws.

SB 524--Ways and Means.

SB 525--Financial and Governmental Organization.

SB 526--Public Health and Welfare.

SB 527--Civil and Criminal Jurisprudence.

SB 528--Transportation.

SB 530--Judiciary.

SB 531--Elections, Pensions and Veterans' Affairs.

SB 532--Civil and Criminal Jurisprudence.

SB 533--Financial and Governmental Organization.

SB534--Financial and Governmental Organization.

SB 535--Ways and Means.

SB 536--Local Government and Economic Development.

SB 537--Civil and Criminal Jurisprudence.

SB 538--Labor and Industrial Relations.

SB 539--Transportation.

SB 540--Ways and Means.

SB 541--Commerce and Environment.

SB 542--Commerce and Environment.

SB 543--Commerce and Environment.

SB 544--Elections, Pensions and Veterans' Affairs.

SB 545--Local Government and Economic Development.

SB 546--Civil and Criminal Jurisprudence.

SB 547--Transportation.

SB 548--Aging, Families and Mental Health.

SB 549--Public Health and Welfare.

SB 550--Local Government and Economic Development.

SB 551--Elections, Pensions and Veterans' Affairs.

SB 553--Education.

SB 554--Ways and Means.

SB 555--Civil and Criminal Jurisprudence.

SB 556--Civil and Criminal Jurisprudence.

SB557--Financial and Governmental Organization.

SB 558--Ways and Means.

SB559--Financial and Governmental Organization.

SB 560--Corrections and General Laws.

SB 561--Commerce and Environment.

SB 562--Civil and Criminal Jurisprudence.

SB 563--Education.

SB 564--Corrections and General Laws.

SB 565--Public Health and Welfare.

SB 566--Labor and Industrial Relations.

SB 567--Commerce and Environment.

SB 568--Insurance and Housing.

SB 569--Insurance and Housing.

SB 570--Local Government and Economic Development.

SB 571--Financial and Governmental Organization.

SB 573--Civil and Criminal Jurisprudence.

SB 574--Ways and Means.

SB 575--Civil and Criminal Jurisprudence.

SB 576--Judiciary.

SB 577--Commerce and Environment.

SB 578--Insurance and Housing.

SB 579--Elections, Pensions and Veterans' Affairs.

SB 580--Local Government and Economic Development.

SB 581--Education.

SB 582--Transportation.

SB 583--Financial and Governmental Organization.

SB 584--Judiciary.

SB 585--Judiciary.

SB 586--Judiciary.

SB 587--Corrections and General Laws.

SB 588--Education.

SB 589--Corrections and General Laws.

SB 590--Ways and Means.

SB 591--Judiciary.

SB 592--Transportation.

SB 593--Commerce and Environment.

SB 594--Agriculture, Conservation, Parks and Tourism.

SB 595--Agriculture, Conservation, Parks and Tourism.

SB 596--Agriculture, Conservation, Parks and Tourism.

SB 597--Local Government and Economic Development.

SB 598--Public Health and Welfare.

SB 599--Transportation.

SB 600--Financial and Governmental Organization.

SB 601--Ways and Means.

SB 602--Elections, Pensions and Veterans' Affairs.

SB 603--Financial and Governmental Organization.

SB 604--Transportation.

SB 605--Education.

SB 606--Civil and Criminal Jurisprudence.

SB 607--Corrections and General Laws.

SB 608--Public Health and Welfare.

SB 609--Education.

SB 610--Agriculture, Conservation, Parks and Tourism.

SB 611--Public Health and Welfare.

SB 612--Corrections and General Laws.

SB 613--Commerce and Environment.

SB 614--Judiciary.

SB 615--Corrections and General Laws.

SB 616--Corrections and General Laws.

SB 617--Ways and Means.

SB 618--Judiciary.

SB 619--Transportation.

SB 620--Appropriations.

SB 621--Appropriations.

SB 622--Judiciary.

INTRODUCTIONS OF GUESTS

On behalf of Senator Childers and himself, Senator Howard introduced to the Senate, Dr. Ann Ream, O.D., Thayer.

Senator Wiggins introduced to the Senate, Dr. John Turley, Kansas City.

Senator Rohrbach introduced to the Senate, Matt Landwehr, Jefferson City.

Senator Flotron introduced to the Senate, Dr. Steve Rosen, West County.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FOURTH DAY--TUESDAY, JANUARY 13, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, there aren't many who could walk in our shoes or wear our coats or do what we do. We are thankful to be unique. There is no one just like us, or who has the same responsibilities as we do or the same jobs. Since we are one of a kind, help us to do our very best here this day as there is no one else to do it. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Curls--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 978, regarding Joshua Shipman, Poplar Bluff, which was adopted.

Senator Howard offered Senate Resolution No. 979, regarding Jerry Paul Combs, Kennett, which was adopted.

Senator Howard offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 980

WHEREAS, it is with great pride and sincere admiration that the members of the Missouri Senate suspend the work of creating laws in order to recognize the meritorious endeavors of an outstanding resident of the Show-Me State; and

WHEREAS, Norma McLane Smith has been chosen as "Citizen of the Year" by the Greater Poplar Bluff Area Chamber of Commerce, a most impressive accolade which she will receive during the Sixtieth Annual Banquet on January 17, 1998; and

WHEREAS, an inspiration to us all, Norma Smith has exemplified the true meaning of the term "citizen of the year" through her personal, religious, business, and community activities; and

WHEREAS, an owner of the First Midwest Bank of Poplar Bluff, Norma Smith is an individual who radiates positivism while she fulfills her important roles as gracious hostess, devoted wife, loving mother, doting grandmother, sister, daughter, caring and responsible employer, and community volunteer; and

WHEREAS, Norma Smith has distinguished herself as a valued member of many boards and committees; as a "one-woman committee" when it comes to the bank's Adopt A School program; and as a generous supporter of academic and athletic functions of Poplar Bluff schools and Three Rivers Community College; and

WHEREAS, president of the Friends of Margaret Harwell Museum, Norma Smith serves on the Board of Directors for the Poplar Bluff Chamber of Commerce and positively touches the lives of countless others through her contributions to the First Methodist Church, Haven House, Women Aware, the Community Concert Association, and the United Way; and

WHEREAS, Norma Smith is known, admired, and respected for her kind, gentle nature, a disposition which has enabled her to excel in all areas of her life:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, unanimously join with the Poplar Bluff Chamber of Commerce in expressing our most hearty congratulations to Norma McLane Smith upon her selection as Citizen of the Year and in wishing her continued success in all of her endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Norma McLane Smith.

President Wilson assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Escort Committee to act with a like committee from the Senate on HCR 1: Representatives May (108), Monaco, Hosmer, DeMarce, Smith, Thompson (72), Greisheimer, Lograsso, Gaston and Ridgeway.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Escort Committee to act with a like committee from the Senate on HCR 2: Representatives Relford, Ransdall, Hollingsworth, Days, Farnen, Davis, Wooten, Cooper, Barnett and Pryor.

Senator Johnson assumed the Chair.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 12, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles E. Klinginsmith, D.C., 150 Canepa Road, Festus, Jefferson County, Missouri 63028, as a member of the State Board of Chiropractic Examiners, for a term ending January 1, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 12, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Nancy A. Frasier, HCR 82 Box 5833, Camdenton, Camden County, Missouri 65020, as a member of the State Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2002, and until her successor is duly appointed and qualified; vice, Ed Kruse, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 12, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

M. Sean McGinnis, Democrat, 1500 South Fairway, Springfield, Greene County, Missouri 65804, as a member of the State Fair Commission, for a term ending December 29, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

Senator DePasco requested unanimous consent of the Senate to withdraw **SB 666**, which request was granted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 713-By Jacob.

An Act to repeal section 630.405, RSMo Supp. 1997, relating to mental health services, and to enact in lieu thereof one new section relating to the same subject.

SB 714-By Johnson.

An Act to repeal section 144.030, RSMo Supp. 1997, relating to sales tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

SB 715--By Johnson.

An Act to repeal section 144.030, RSMo Supp. 1997, relating to sales tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

SB 716--By Childers.

An Act to amend chapter 67, RSMo, by adding thereto six new sections relating to cooperative insurance entities for political subdivisions.

SB 717--By Maxwell.

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to electronic voting by persons in federal service, with an emergency clause and a termination date.

SB 718--By House.

An Act to amend chapter 573, RSMo, by adding thereto one new section relating to pornography and related offenses.

SB 719--By Yeckel.

An Act to repeal section 443.415, RSMo 1994, relating to mortgage insurance, and to enact in lieu thereof one new section relating to the same subject.

SB 720--By Clay and Sims.

An Act to amend chapter 210, RSMo, by adding thereto three new sections relating to the children's services commission's study on children of incarcerated parents.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 623--Corrections and General Laws.

SB 624--Education.

SB 625--Corrections and General Laws.

SB 626--Agriculture, Conservation, Parks and Tourism.

SB 627--Ways and Means.

SB 628--Commerce and Environment.

SB 629--Insurance and Housing.

SB 630--Ways and Means.

SB 631--Financial and Governmental Organization.

SB 632--Public Health and Welfare.

SB 633--Civil and Criminal Jurisprudence.

SB 634--Transportation.

SB 636--Elections, Pensions and Veterans' Affairs.

SB 637--Financial and Governmental Organization.

SB 638--Local Government and Economic Development.

SB 639--Judiciary.

SB 640--Education.

SB 641--Education.

SB 642--Financial and Governmental Organization.

SB 643--Elections, Pensions and Veterans' Affairs.

SB 644--Ways and Means.

SB 645--Financial and Governmental Organization.

SB 646--Civil and Criminal Jurisprudence.

SB 647--Education.

SB 648--Transportation.

SB 649--Transportation.

SB 650--Corrections and General Laws.

SB 651--Corrections and General Laws.

SB 652--Local Government and Economic Development.

SB 653--Local Government and Economic Development.

SB 654--Ways and Means.

SB 655--Education.

SB 656--Insurance and Housing.

SB 657--Elections, Pensions and Veterans' Affairs.

SB 658--Education.

SB 659--Civil and Criminal Jurisprudence.

SB 660--Civil and Criminal Jurisprudence.

SB 661--Commerce and Environment.

SB 662--Transportation.

SB 663--Civil and Criminal Jurisprudence.

SB 664--Insurance and Housing.

SB 665--Corrections and General Laws.

SB 667--Ways and Means.

SB 668--Elections, Pensions and Veterans' Affairs.

SB 669--Commerce and Environment.

SB 670--Civil and Criminal Jurisprudence.

SJR 20--Rules, Joint Rules and Resolutions.

SJR 21--Appropriations.

SJR 22--Appropriations.

SJR 23--Appropriations.

SJR 24--Appropriations.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FIFTH DAY--WEDNESDAY, JANUARY 14, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, help us to understand why we are here. Never let us forget who sent us here and the diversified backgrounds, beliefs and needs they represent. Use our efforts to make all the people better off than they were when they sent us here. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Quick announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Absent with leave--Senators

Curls
Scott--2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 981, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harold Eugene (Gene) Whittle, Miller County, which was adopted.

Senator Bentley offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 982

NOTICE OF PROPOSED RULE CHANGE

BE IT RESOLVED by the Senate of the Eighty-ninth General Assembly, Second Regular Session, that Senate Rule 95 be amended as follows:

"Rule 95. 1. Notetaking and writing in the Senate Gallery is permissible, but no person shall enter the Senate Gallery with any typewriter or recording device. Laptop computers may be used **by members of the senate at their desks and** by the press at the press table in the Senate Chamber. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they don't prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area."

Senator Quick moved that the Senate recess to repair to the House of Representatives to receive a message from the Chief Justice of the Supreme Court, the Honorable Duane Benton, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Wilson.

On roll call the following Senators were present:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Staples	Westfall
Wiggins	Yeckel--30		
Absent--Senators			
DePasco	Singleton--2		
Absent with leave--Senators			
Curls	Scott--2		

On roll call the following Representatives were present:

Present--Representatives			
Akin	Alter	Auer	Backer
Ballard	Barnett	Barry (100)	Bartelsmeyer
Bauer	Berkstresser	Bland	Boatright
Boucher	Bray (84)	Broach	Burton
Campbell	Carter	Champion	Chrismer
Cierpiot	Clayton	Cooper	Crawford
Crump	Daniel (42)	Daniels (41)	Davis (122)
Davis (63)	Days	DeMarce	Dolan
Donovan	Dougherty	Elliott	Enz
Evans	Farnen	Fitzwater	Foley
Ford	Foster	Franklin	Fritts
Froelker	Gaskill	Gaston	Gibbons
Graham	Gratz	Green	Griesheimer
(106)			
Gross	Gunn	Hagan-Harrell	Hall

Harlan	Hartzler (123)	Hartzler (124)	Heckemeyer
Hegeman	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Hoppe
Hosmer	Howerton	Johnson	Kasten
Kauffman	Kelley (47)	Kelly (27)	Kennedy
Kissel	Klindt	Koller	Kreider
Lakin	Lawson	Leake	Legan
Levin	Liese	Linton	Lograsso
Long	Luetkenhaus	Marble	May (108)
Mays (50)	McBride	McClelland	McLuckie
Merideth	Miller	Monaco	Murphy
Murray	Naeger	Nordwald	O'Connor
Ostmann	O'Toole	Overschmidt	Parker
Patek	Pouche	Pryor	Purgason
Ransdall	Reinhart	Relford	Reynolds
Richardson	Rizzo	Robirds	Ross
Sallee	Scheve	Schilling	Schwab
Scott	Secrest	Seigfreid	Sheldon (104)
Shelton (57)	Shields	Skaggs	Smith
Steen	Stokan	Stoll	Stroker
Summers	Surface	Thomason (163)	Thompson(72)
Townley	Treadway	Troupe	VanZandt
Vogel	Wannenmacher	Wiggins	Williams (121)
Williams (159)	Wilson	Wooten	Mr.Speaker--152
Absent and Absent with Leave--Representatives			
Bennett	Bonner	Copeland	Edwards-Pavia
Graham (24)	Loudon	Ridgeway	Shear
Thompson (37)--9			
Vacancies--2			

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Duane Benton, escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

1998 State of the Judiciary

The Supreme Court of Missouri

Chief Justice Duane Benton

January 14, 1998

Mr. Speaker, Mr. President, members of the 89th General Assembly:

It is an honor today to discuss with you the state of the judiciary.

Over the years, I have worked with the General Assembly in a variety of roles. My first connection to state government was working as an intern in the House. Later, while in law school, I drafted legislation for members of the House. More recently, the Senate confirmed me to four different positions on boards and in the executive branch. I've been at hearings that seemed to last forever, and others that were over in seconds. I must say that we all look much better at 10:30 in the morning, early in the session, rather than at 10:30 at night at the end of session.

Over the years, I have learned to approach the legislature respectfully but directly; prepared but with common sense. In that spirit, my message to you today is straightforward. The judiciary in 1998 is working smarter than ever. We in the courts, though, need your support if we are to continue to provide the highest level of service, access and justice to the people of this state.

The judiciary is working smarter today than ever before. Facing increasing caseloads, the courts are efficiently serving Missourians. The judiciary is doing more and more with proportionately less and less.

The judicial branch is the smallest of the three branches of state government. We spend less than three-fourths of 1 percent of the total state budget. Though a separate, equal branch of government, the judiciary is smaller than 13 of the 15 departments in the executive branch. While our cost is small, our impact is great; we deliver services to all citizens of the state. Court employees work in all 114 counties and the City of St. Louis, in all 34 senate districts, and in almost all, if not all, of the 163 House districts.

1) We decide cases that affect citizens throughout this state, from traffic offenses and consumer-merchant disputes, to death penalty cases and multi-million dollar lawsuits.

2) We provide ways for people to resolve their disputes informally in small claims court, and for abused persons to get immediate protection from their abusers.

3) We do all this in a way that benefits both the people of this state as well as those who make the system work: quickly and for as little expense to the state as possible.

People sometimes think that courts impact mostly lawyers, yet almost one-half of the cases in Missouri courts ordinarily do not involve the lawyers hired by your constituents. Since 1983, leaving aside traffic and ordinance violations, total caseload in Missouri courts has increased over one-half; 58 percent to be precise. During that same 15 year period since 1983, the number of trial judges you provide by law grew by less than 2 percent - one new circuit judge and five new associate circuit judges.

As in the past, the judiciary will not recommend an increase in the number of judges. It is a tribute to our hardworking judges that we do not need to request new judgeships. Missouri judges not only work hard, they also - as judges for the whole state - are flexible enough to serve where needed. Each day, I sign orders temporarily sending judges to work in high-volume courts, often miles from their homes. I stand ready any time to discuss with you, individually or in committee, those laws that require judgeships in courts with smaller caseloads, rather than where they are most needed on a more permanent basis in the courts with heavier caseloads.

When we think of the judiciary, we tend to think only of the judges that serve the public. Judges, of course, are one cornerstone of the judicial system. However, they cannot do their work without the necessary staff. I am reminded of a joke I used to hear before I became a judge: "The Supreme Court is where the finest legal minds in Missouri gather - to serve as law clerks to the judges." Seriously, those of you who have been to court have seen that court clerks make the system work. Clerks perform essential functions in the judicial process - handling case filing, notifying those involved in cases, collecting and disbursing money, recording court action and proceedings, and managing juries. Just like judges, the number of clerks and other employees funded by the budget has barely increased in recent years, yet there have been dramatic increases in the number of cases handled by these employees due to increases in crime, drug use, juvenile delinquency, adult abuse, divorce, and all kinds of litigation.

While the number of clerks has remained about the same, child support collection responsibilities have grown even faster than the case filing rate, and now are a major part of the workload in many circuit courts. In fact, open child support cases have increased over 144 percent during the last ten years. The task is huge - court clerks collected 395 million dollars in child support payments during fiscal year 1997.

Due to the tremendous caseload growth and shifts in Missouri population, many local courts are doing much more with the same number of employees. The clerk shortage varies from court to court. Statewide it is severe. The Circuit Court Budget Committee - composed of judges from all over the state - has requested a total of 147 new clerks in the fiscal year 1999 budget. This number may sound shocking. Please keep it in perspective. There have been no - zero - additional court clerks appropriated for the last two years, so any increase will cover a three year period. The 1,703 court clerks all over Missouri are dedicated and hardworking, but they cannot indefinitely continue to keep pace with escalating workloads.

There is another way you can alleviate the clerk shortage. We must leverage their time and effort, taking advantage of technology to streamline filing, casefile handling, trial, appeal and disposition of cases. We in the judiciary must continue to work smarter, but we need your help to do so.

Most of you are familiar with statewide court automation, which will automate the records and accounting of the judiciary statewide. Thank you for your vision and foresight in enacting the initial law in 1994 and renewing it last year. Carved in stone in the Rotunda of this building, it says, "Where there is no vision the people perish." You have shown admirable vision and leadership in automating Missouri's courts, just as you have recently automated this very chamber.

Even more recently, during the past two years, you passed legislation allowing automation of the judicial accounting systems. Before, judicial

accounting was so convoluted that there was no dream of computerizing these systems. You may recall the diagram with all the lines going everywhere that Chief Justice Holstein showed you during his first State of the Judiciary speech. You have provided an efficient way to manage court records, to go hand-in-hand with the legal authority for computerization you previously passed.

We stand on the threshold of similar results in overall efficiency. The biggest changes from court automation are just beginning to happen. During the past few years, the clerks, attorneys, and judges on the Court Automation Committee have spent a great deal of time and effort to design a computer system that will meet the needs of Missourians for many years to come. We have moved deliberately, intentionally so, in order to avoid problems that have occurred with other computer systems - some costing two and three times as much as ours - that simply failed to work when installed. When the taxpayer's money and the judiciary's reputation are at stake, the system must work from the time installed.

I have news to announce today. The new system is up and running as I speak. Montgomery County has implemented the new case management system, which operates on the underlying structure of hardware and software designed by the Court Automation Committee. The clerks and judge in Montgomery County like the reduced paperwork, and say they now can do their jobs better. For civil and probate cases, a manual "paper" system is now automated. Previously, court clerks manually created a file, a fee sheet and a docket sheet - then manually indexed and scheduled the case. In the new system, these are all automatically created.

The case management software is next to be installed in Jackson County in Kansas City and Independence, and in the Eastern District Court of Appeals in St. Louis. Once the system works in a smaller rural court, large urban courts, and an appellate court, the system is ready for any court in Missouri. By July 1, the system will be at the "ready to wear" point - that is, proven in small courts, large courts and appellate courts.

We now are at a critical turning point. Under the original plans, installing the new system in all courts was scheduled to take several years, so that some courts would not have the system until the year 2004. Rather than wait years for many of your constituents to see the benefits of court automation, we can provide these benefits now, at a lower total cost to the state. The benefits are clear; in addition to the more efficient installation process I have described:

- We can provide law enforcement, social services agencies and other courts information about juvenile offenders in order to deal better with juvenile delinquency throughout the state, and implement the new juvenile justice system you enacted in 1995.
- We can accommodate electronic filing in the courts - to speed case handling; to provide public access to court information; and to allow electronic storage and maintenance of tons of court filings, which is swallowing up all available storage space in some county courthouses.
- We can build a jury management system that will reflect the population and permit more Missourians to participate as jurors.
- We can make court records more accessible to more Missourians, easier and at lower cost.

These improvements do not come without cost. However, total costs will be reduced and service improved, if the automated systems are installed within a reasonable time frame.

The Governor has discussed these improvements with me and other representatives of the judiciary. He has expressed support for court automation and for the need to install the system statewide within a reasonable time, as opposed to piecemeal installation. I anticipate that the Governor's budget will properly accommodate these needs. I urge you to consider and support this budget item due to its great benefit to your constituents, the people of Missouri.

Though court automation is the most pressing challenge in the administration of justice, we in the judiciary are also "working smarter" on other issues. The Missouri Judicial Conference recently appointed a Task Force on Drug Courts. Drug courts are working in Jackson, Lafayette, Buchanan and Scott Counties and in St. Louis City. Drug courts have been successful. Graduates have obtained the education and job training to make it in the world without drugs. The vast majority go on with their lives, do not re-offend, and have become productive members of society.

I thank Senators Caskey and Rohrbach, and Representatives May and Ross for serving on this multidiscipline task force, which also includes prosecutors, defense lawyers, educators, job training and drug treatment professionals, and others willing to discuss the structure and procedure of drug courts. Please use the Task Force on Drug Courts as a resource as you tackle the challenges of illegal drugs.

We in the judiciary are always willing to consider other ways to improve judicial operations. Last year, you seriously studied appointing circuit clerks rather than electing them. The circuit clerk has evolved to a highly responsible position that should be a professional manager of court business. In many ways, the circuit clerk should be similar to the positions of the Secretary of the Senate and the Chief Clerk of the House - professional positions here in the legislature. Professionalizing these positions in the judiciary is worthy of your consideration.

I appreciate the opportunity to address you today regarding the state of your judiciary. As Chief Justice, I look forward to working with you over the next two sessions. If you have any questions about court automation, the judicial budget, or any other issue affecting the administration of justice, please let me know. Together we can continue the Missouri tradition: a judiciary of the highest integrity, providing service, access and justice to all Missourians.

On motion of Senator Quick, the Joint Session was dissolved and the Senators returned to the Chamber where they were

called to order by President Pro Tem McKenna.

Senator Wiggins assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 721-By Klarich.

An Act to repeal sections 566.617, 589.400, 589.407, 589.410, 589.414, 589.417 and 589.425, RSMo Supp. 1997, relating to registration of certain offenders, and to enact in lieu thereof six new sections relating to the same subject.

SB 722-By Sims and Bentley.

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to consideration of domestic violence in insurance policies, with an effective date.

SB 723-By Sims.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to educational assistance for certain persons.

SB 724-By Bentley, McKenna, Staples, Wiggins, Klarich, Childers, Yeckel, Johnson, Banks, Maxwell, Sims, DePasco, Clay, Howard, Mathewson, Jacob, Scott and House.

An Act to repeal section 143.183, RSMo 1994, relating to state income tax revenues from certain nonresidents, and to enact in lieu thereof one new section for the sole purpose of providing for state income tax revenues from nonresident entertainers and athletes.

SB 725-By Jacob.

An Act to repeal section 105.010, RSMo 1994, relating to public officers and employees, and to enact in lieu thereof one new section relating to the same subject.

SB 726-By Jacob and House.

An Act to repeal section 174.620, RSMo 1994, and section 174.610, RSMo Supp. 1997, relating to certain institutions of higher education, and to enact in lieu thereof six new sections relating to the same subject.

SB 727-By Banks.

An Act to repeal sections 92.715, 140.100 and 141.830, RSMo 1994, relating to the collection of delinquent taxes, and to enact in lieu thereof three new sections relating to the same subject.

SB 728-By Kinder.

An Act to repeal sections 91.025, 393.106 and 394.312, RSMo 1994, relating to electric utility industry competition and consumer choice, and to enact in lieu thereof nineteen new sections relating to the same subject.

SB 729-By DePasco.

An Act to repeal sections 130.021, 130.046, 130.047, 130.050 and 130.057, RSMo Supp. 1997, relating to the filing of reports with the Missouri ethics commission, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause for certain sections and with penalty provisions.

SB 730--By DePasco and McKenna.

An Act to repeal sections 367.044, 367.045, 367.047, 367.048, 367.050, RSMo 1994, relating to pawnbroker regulations, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

SB 731--By Wiggins.

An Act to repeal section 144.062, RSMo 1994, and section 144.030, RSMo Supp. 1997, relating to sales tax exemptions, and to enact in lieu thereof two new sections relating to the same subject.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 471--Labor and Industrial Relations.

SB 507--Labor and Industrial Relations.

SB 675--Corrections and General Laws.

SB 707--Local Government and Economic Development.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 732--By Schneider.

An Act to repeal section 337.021, RSMo Supp. 1997, relating to the initial licensure of psychologists, and to enact in lieu thereof one new section relating to the same subject.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 983, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Campbell, Green Ridge, which was adopted.

Senator Schneider offered Senate Resolution No. 984, regarding Mark J. Behlmann, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 985, regarding George W. Houston, St. Louis County, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Sims introduced to the Senate, Loretta Walker, St. Louis.

Senator Kinder introduced to the Senate, Russ and Kim Mothershead, Benton; and Catharine Vance, Versailles.

Senator Singleton introduced to the Senate, Tammy Spicer and Aaron Deslatte, Joplin.

Senator Ehlmann introduced to the Senate, his son, Brendan, St. Charles.

Senator Jacob introduced to the Senate, Barry Orscheln, Moberly.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

SIXTH DAY--THURSDAY, JANUARY 15, 1998

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we are always concerned about what the people back home think. We are concerned about what those who serve with us think. Lord, You are the only fair judge, the only one who knows our heart and our motive. What do You think of us? What would You have us to do? Hear our prayer and direct our ways. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
Absent with leave--Senators			
Curls	Scott--2		
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 986, regarding Ron Cole, Neosho, which was adopted.

Senator Lybyer offered Senate Resolution No. 987, regarding Keith Micke, Owensville, which was adopted.

Senator Mueller offered Senate Resolution No. 988, regarding Dr. Martin Luther King, Jr. Day, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 733-By Johnson.

An Act to repeal sections 169.050, 169.054, 169.650, 169.655 and 169.670, RSMo Supp. 1997, and section 169.056 as enacted by senate bill no. 860, second regular session of the eighty-eighth general assembly, relating to teacher retirement, and to enact in lieu thereof five new sections relating to the same subject.

SB 734-By Caskey.

An Act to repeal sections 360.020, 360.040, 360.045, 360.055, 360.075, 360.080, 360.095, 360.100, 360.105, 360.107 and 360.108, RSMo 1994, and section 360.015, RSMo Supp. 1997, and to enact in lieu thereof thirteen new sections relating to the financing of certain health, education and cultural facilities, with an emergency clause.

SB 735-By Staples.

An Act to repeal sections 327.011, 327.051, 327.075, 327.091, 327.111, 327.131, 327.141, 327.151, 327.161, 327.171, 327.181, 327.191, 327.201, 327.221, 327.231, 327.241, 327.251, 327.261, 327.272, 327.281, 327.291, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.361, 327.371, 327.381, 327.391, 327.411, 327.421, 327.441, 327.451 and 327.461, RSMo 1994, and sections 327.031, 327.041, 327.101 and 327.401, RSMo Supp. 1997, relating to architects, engineers and land surveyors, and to enact in lieu thereof forty-two new sections relating to the same subject, with penalty provisions.

SB 736-By Staples.

An Act to repeal section 260.475, RSMo 1994, relating to fees paid by hazardous waste generators, and to enact in lieu thereof one new section relating to the same subject.

SB 737-By Sims.

An Act to repeal section 571.030, RSMo Supp. 1997, relating to firearms regulations, and to enact in lieu thereof three new sections relating to the same subject.

SB 738-By Clay.

An Act to repeal sections 115.277, 115.279 and 115.283, RSMo Supp. 1997, relating to early voting procedures, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 739-By McKenna.

An Act to repeal section 64.241, RSMo 1994, relating to regulation of subdivisions, and to enact in lieu thereof two new sections relating to the same subject.

SB740-By McKenna, Flotron, Mueller, DePasco, Staples, Kinder and Klarich.

An Act to amend chapter 386, RSMo, by adding thereto seven new sections relating to certain merchandising practices of utilities.

SB 741 -By Scott.

An Act to amend chapter 190, RSMo, relating to automatic external defibrillatory use by certain firefighters by adding thereto one new section relating to the same subject.

SB 742-By Maxwell.

An Act to amend chapter 407, RSMo, relating to telephone solicitations, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

SB 743-By Maxwell.

An Act to repeal sections 44.010, 44.020, 44.022, 44.024, 44.028, 44.032, 44.080, 44.090, 44.100, 44.110, 44.112 and 44.113, RSMo 1994, relating to the emergency management agency, and to enact in lieu thereof thirteen new sections for the purpose of changing the organizational structure of the agency.

SB 744-By Maxwell and Johnson.

An Act to repeal section 135.030, RSMo 1994, relating to income tax credits, and to enact in lieu thereof two new sections relating to the same subject.

SB 745-By House and Ehlmann.

An Act to repeal sections 160.545, 161.097, 173.005 and 173.210, RSMo 1994, relating to higher education, and to enact in lieu thereof four new sections relating to the same subject.

SJR 26-By Westfall.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the constitution of Missouri relating to taxation of personal property, and adopting one new section in lieu thereof relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Charlotte S. Hill, as the public member and Mary A. Holyoke, as a member of the State Board of Chiropractic Examiners;

Also,

Laura Murphy-Dellos, Robin S. Vogt, Cordelia M. Esry and Charlotte R. York, as members of the State Board of Nursing;

Also,

Rochelle L. Harris, as a member of the State Committee of Psychologists;

Also,

James E. Walker, Sr., Betsy A. Baird, Linda W. Hancik, Timothy J. Fete and Barbara B. Smith, as members of the Child Abuse and Neglect Review Board;

Also,

Mary Ann Dunlap, Vicki L. Huff and Priscilla J. Hornby, as members of the State Committee for Social Workers;

Also,

Joseph H. Collison, as Chairman and member, George R. Rose, as Secretary and member, Joseph A. Swarts and Dorothy M. Gresham, as members of the Board of Election Commissioners for Platte County;

Also,

Lonnie Martin Boyd, as a member of the Organ Donation Advisory Committee;

Also,

Patrick F. Kelly, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Joy S. Gronstedt, Joseph M. Yasso and Theresa R. Prosser, as members of the Drug Utilization Review Board;

Also,

Kimberly K. Mothershead and Loretta F. Walker, as members of the Southeast Missouri State University Board of Regents;

Also,

Larry W. Jackson, as a member of the Missouri Dental Board;

Also,

Laurel A. Bondi, as a member of the State Board of Podiatric Medicine;

Also,

Ronald E. Stutzman, as a member of the Missouri Public Entity Risk Management Fund Board of Trustees;

Also,

Daniel J. "Duke" McVey, as a member of the Children's Trust Fund Board;

Also,

Carmen Kay Schulze, as a member of the Missouri Training and Employment Council;

Also,

James S. Anderson, as a member of the Missouri State Board of Architects, Professional Engineers and Land Surveyors;

Also,

Larry L. Gray, as a member and Cecil G. Wood, as the public member of the State Board of Accountancy.

Senator Johnson assumed the Chair.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 746--By Wiggins.

An Act to repeal section 143.751, RSMo 1994, relating to taxation, and to enact in lieu thereof two new sections relating to the same subject.

SB 747--By Lybyer.

An Act to repeal sections 537.705 and 537.756, RSMo 1994, relating to claims against the state, and to enact in lieu thereof two new sections relating to the same subject.

SB 748--By Lybyer.

An Act to repeal section 104.612, RSMo Supp. 1997, relating to certain state retirement systems, and to enact in lieu thereof one new section relating to the same subject.

SB749--By Howard, Lybyer, Johnson, Westfall, Russell, Childers and Staples.

An Act to repeal section 278.080, RSMo Supp. 1997, as enacted by senate bill 3 of the first regular session of the eighty-eighth general assembly, and section 278.080, RSMo Supp. 1997, as enacted by senate bill 65 of the first regular session of the eighty-eighth general assembly, relating to the state soil and water districts commission, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 671--Ways and Means.

SB 672--Corrections and General Laws.

SB 673--Civil and Criminal Jurisprudence.

SB 674--Aging, Families and Mental Health.

SB 676--Local Government and Economic Development.

SB 677--Education.

SB 678--Transportation.

SB 679--Corrections and General Laws.

SB680--Financial and Governmental Organization.

SB681--Financial and Governmental Organization.

SB 682--Labor and Industrial Relations.

SB 683--Transportation.

SB 684--Civil and Criminal Jurisprudence.

SB 685--Education.

SB 686--Education.

SB 687--Aging, Families and Mental Health.

SB 688--Aging, Families and Mental Health.

SB 689--Public Health and Welfare.

SB 690--Judiciary.

SB 691--Ways and Means.

SB 692--Education.

SB 693--Education.

SJR 25--Corrections and General Laws.

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Monday, January 19, 1998.

Journal of the Senate

SECOND REGULAR SESSION

SEVENTH DAY--MONDAY, JANUARY 19, 1998

The Senate met pursuant to adjournment.

Senator Johnson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, Martin Luther King, Jr. said that when they had his memorial service, he didn't want to be remembered for his accomplishments. He wanted them to say, "I tried to feed the hungry. I tried to clothe the naked. I tried to visit those who are in prison. I tried to love and serve humanity." Lord, we want to be remembered as people who served those in need and loved one another. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 15, 1998, was read and approved.

President Wilson assumed the Chair.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Absent with leave--Senators

Clay Curls--2

The Lieutenant Governor was present.

Senator Johnson assumed the Chair.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 989, regarding Bryan James Selzer, which was adopted.

Senator Kenney offered Senate Resolution No. 990, regarding David Eugene Cavanah, which was adopted.

Senator Kenney offered Senate Resolution No. 991, regarding Robert Scott Hughes, which was adopted.

Senator Kenney offered Senate Resolution No. 992, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ed Lawrence, Blue Springs, which was adopted.

Senator Ehlmann offered Senate Resolution No. 993, regarding Jeffrey Lowe, Lake St. Louis, which was adopted.

On behalf of Senator Curls, Senator Quick offered Senate Resolution No. 994, regarding Reverend Nelson Thompson, Kansas City, which was adopted.

Senator House offered Senate Resolution No. 995, regarding Jeffrey Scott Dill, St. Charles, which was adopted.

Senator Mathewson offered Senate Resolution No. 996, regarding Shane Peck, Jefferson City, which was adopted.

Senator Caskey offered Senate Resolution No. 997, regarding Vision for Community Day at Central Missouri State University, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 750-By Rohrbach.

An Act to repeal sections 444.784 and 643.055, RSMo 1994, and 260.225, 260.370, 444.380 and 644.026, RSMo Supp. 1997, and section 319.137 as enacted by senate bill no. 3 and by house bill no. 251, first regular session of the eighty-eighth general assembly, relating to environmental protection, and to enact in lieu thereof seven new sections relating to the same subject.

SB 751-By Mathewson and Kenney.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to economic incentives for the entertainment industry administered by the department of economic development.

SB 752-By Mathewson.

An Act to repeal sections 327.011, 327.051, 327.075, 327.091, 327.111, 327.131, 327.141, 327.151, 327.161, 327.171, 327.181, 327.191, 327.201, 327.221, 327.231, 327.241, 327.251, 327.261, 327.272, 327.281, 327.291, 327.312, 327.313, 327.314, 327.321, 327.331, 327.341, 327.351, 327.361, 327.371, 327.381, 327.391, 327.411, 327.421, 327.441, 327.451 and 327.461, RSMo 1994, and sections 327.031, 327.041, 327.101 and 327.401, RSMo Supp. 1997, relating to architects, professional engineers and professional land surveyors, and to enact in lieu thereof forty-one new sections relating to the same subject, with penalty provisions.

SB 753-By Caskey.

An Act to repeal section 168.071, RSMo 1994, relating to certification of teachers, and to enact in lieu thereof one new section relating to the same subject.

SB 754-By Banks.

An Act to amend chapter 354, RSMo, by adding thereto two new sections relating to health service corporations and health maintenance organizations.

SB 755-By Sims.

An Act to repeal section 210.516, RSMo 1994, relating to the licensure of care facilities, foster homes and child placing agencies, and to enact in lieu thereof one new section relating to the same subject.

SB 756-By Sims.

An Act to repeal section 105.271, RSMo 1994, and section 453.015, RSMo Supp. 1997, relating to employee leave for stepparents, and to enact in lieu thereof two new sections relating to the same subject.

SB 757-By House.

An Act to repeal section 375.775, RSMo 1994, relating to the Missouri property and casualty insurance guaranty association, and to enact in lieu thereof one new section relating to the same subject.

SB 758-By House, McKenna, Johnson, Kinder, Scott, Schneider, Ehlmann, Childers, Russell, Klarich, Kenney, Flotron, Mueller, Wiggins, Graves, Curls, Yeckel, DePasco, Rohrbach and Singleton.

An Act to repeal sections 188.015, 188.030, 188.035 and 188.075, RSMo 1994, relating to banning partial birth abortions, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

SB 759-By Schneider.

An Act to amend chapter 476, RSMo, by adding thereto one new section relating to the commission on judicial resources.

SB 760-By Schneider.

An Act to repeal sections 334.738, 334.741 and 334.742, RSMo 1994, and sections 334.735, 334.736, 334.740, 334.745 and 334.749, RSMo Supp. 1997, relating to physician assistants, and to enact in lieu thereof eight new sections relating to the same subject.

SB 761-By DePasco.

An Act to repeal section 169.322, RSMo 1994, and sections 169.324, 169.326 and 169.328, RSMo Supp. 1997, relating to certain school retirement systems, and to enact in lieu thereof four new sections relating to the same subject.

SB 762-By Wiggins.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for dental care for children and persons with disabilities.

SB 763-By Kinder.

An Act to repeal section 290.140, RSMo 1994, relating to the disclosure of employment information, and to enact in lieu thereof one new section relating to the same subject.

SB 764- By McKenna.

An Act to repeal section 473.767, RSMo 1994, relating to probate code, and to enact in lieu thereof one new section relating to the same subject.

SB 765-By McKenna.

An Act to repeal sections 313.540 and 313.660, RSMo 1994, and sections 313.500 and 313.510, RSMo Supp. 1997, relating to off-track pari-mutuel wagering, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

SB 766-By Maxwell.

An Act to repeal section 558.019, RSMo 1994, relating to sentencing, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 767-By Maxwell.

An Act to repeal sections 41.435, 42.105 and 173.215, RSMo 1994, and sections 173.239 and 313.835, RSMo Supp. 1997, and to enact in lieu thereof eight new sections relating to the disposition of revenue in the gaming commission fund, with penalty provisions.

SB 768--By Maxwell.

An Act to repeal sections 103.005 and 103.036, RSMo 1994, and section 103.003, RSMo Supp. 1997, relating to health plans for state employees, and to enact in lieu thereof four new sections relating to the same subject, with an effective date.

SJR 27--By Schneider.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 16 of article V of the Constitution of Missouri relating to courts, and adopting one new section in lieu thereof relating to the same subject.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 529--Judiciary.

SB 635--Corrections and General Laws.

SB 694--Education.

SB 695--Education.

SB 696--Judiciary.

SB 697--Judiciary.

SB 698--Public Health and Welfare.

SB 699--Public Health and Welfare.

SB 700--Commerce and Environment.

SB 701--Public Health and Welfare.

SB 702--Civil and Criminal Jurisprudence.

SB 703--Civil and Criminal Jurisprudence.

SB 704--Civil and Criminal Jurisprudence.

SB 705--Transportation.

SB 706--Transportation.

SB708--Financial and Governmental Organization.

SB 709--Elections, Pensions and Veterans' Affairs.

SB 710--Elections, Pensions and Veterans' Affairs.

SB 711--Public Health and Welfare.

SB 713--Aging, Families and Mental Health.

SB 714--Ways and Means.

SB 715--Ways and Means.

SB 716--Insurance and Housing.

SB 717--Elections, Pensions and Veterans' Affairs.

SB 718--Civil and Criminal Jurisprudence.

SB 719--Insurance and Housing.

SB 720--Aging, Families and Mental Health.

SB 721--Civil and Criminal Jurisprudence.

SB 722--Insurance and Housing.

SB 723--Education.

SB 724--Appropriations.

SB725--Financial and Governmental Organization.

SB 726--Education.

SB 727--Ways and Means.

SB 728--Commerce and Environment.

SB 729--Ethics.

SB 730--Commerce and Environment.

SB 731--Ways and Means.

SB 732--Aging, Families and Mental Health.

SB 733--Education.

SB 734--Local Government and Economic Development.

SB 735--Corrections and General Laws.

SB 736--Commerce and Environment.

SB 737--Civil and Criminal Jurisprudence.

SB 738--Elections, Pensions and Veterans' Affairs.

SB 739--Local Government and Economic Development.

SB 740--Commerce and Environment.

SB 741--Public Health and Welfare.

SB 742--Commerce and Environment.

SB743--Financial and Governmental Organization.

SB 744--Ways and Means.

SB 745--Education.

SB 746--Ways and Means.

SB 747--Judiciary.

SB 748--Elections, Pensions and Veterans' Affairs.

SB 749--Commerce and Environment.

SJR 26--Ways and Means.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 769--By Schneider, McKenna, Wiggins, Howard, Mathewson and Maxwell.

An Act to repeal sections 41.948, 43.509, 66.380, 160.272, 161.102, 173.081, 192.006, 207.021, 260.225, 262.470, 287.650, 361.105, 374.045, 454.400, 620.010, 620.125, 630.050, 633.190, 640.010, 640.755, 643.050, 644.026, 650.005 and 660.017, RSMo Supp. 1997, and section 32.125, RSMo Supp. 1997, as enacted by both senate bill no. 3 and senate bill no. 374 of the eighty-eighth general assembly, first regular session, relating to rulemaking, and to enact in lieu thereof twenty-five new sections relating to the same subject, with an emergency clause for certain sections.

INTRODUCTIONS OF GUESTS

Senator Maxwell introduced to the Senate, his daughter, Megan, Mexico; and Megan was made an honorary page.

On motion of Senator Quick, the Senate adjourned under the Rules.

Journal of the Senate

SECOND REGULAR SESSION

EIGHTH DAY--TUESDAY, JANUARY 20, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, if I had my life to live over, would I make the same mistakes, have the same good fortune or make the same choices? If my mom and dad could choose again would I even be here? Lord, we don't know all the factors that have worked together to bring us here, but this one thing we know - without You to lead, our time spent here would not be worthwhile. Direct our paths. Lead our way. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 770--By Mathewson.

An Act to repeal section 210.516, RSMo 1994, relating to exceptions to licensure requirements for certain child care facilities, and to enact in lieu thereof one new section relating to the same subject.

SB 771--By Sims, House and Bentley.

An Act to repeal sections 210.720 and 211.183, RSMo 1994, and sections 211.171, 211.447 and 453.010, RSMo Supp. 1997, relating to permanency for children in alternative care, and to enact in lieu thereof five new sections relating to the

same subject, with an emergency clause.

SB 772-By Howard, Scott, Banks and Flotron.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to investigations by the ethics commission, with an emergency clause.

SB 773-By Howard, DePasco, Kenney, Flotron, Lybyer, Johnson, Staples, Scott, Westfall, Klarich, McKenna, Ehlmann, Kinder, Yeckel, Wiggins, Mueller, House, Russell and Maxwell.

An Act to repeal section 197.317, RSMo Supp. 1997, relating to certificate of need moratorium dates, and to enact in lieu thereof one new section relating to the same subject.

SB 774-By Flotron and McKenna.

An Act to repeal sections 311.093 and 311.328, RSMo 1994, and sections 311.097, 311.098, 311.102 and 311.260, RSMo 1994, relating to certain businesses licensed to sell intoxicating liquor or nonintoxicating beer, and to enact in lieu thereof four new sections relating to the same subject.

SB 775-By Flotron.

An Act to repeal section 226.270, RSMo 1994, and section 226.967, RSMo Supp. 1997, relating to the department of transportation, and to enact in lieu thereof two new sections relating to the same subject.

SB 776-By Flotron.

An Act to repeal section 136.300, RSMo 1994, relating to the burden of proof in state tax cases, and to enact in lieu thereof one new section relating to the same subject.

SB 777-By Flotron, Ehlmann and Klarich.

An Act to repeal sections 287.020, 287.030, 287.040, 287.061, 287.067, 287.090, 287.129, 287.140, 287.170, 287.210, 287.220, 287.250, 287.260, 287.337, 287.380, 287.390, 287.460, 287.480, 287.610, 287.655 and 287.690, RSMo 1994, and section 287.650, RSMo Supp. 1997, relating to employers and employees, and to enact in lieu thereof twenty-two new sections relating to the same subject.

SB 778-By Jacob.

An Act to repeal section 140.730, RSMo 1994, relating to the procedure for collection of personal taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 779-By Jacob, McKenna and Schneider.

An Act relating to financing of certain election campaigns, with penalty provisions.

SB 780-By House, Singleton and Yeckel.

An Act to repeal sections 162.152, 162.171, 162.181, 162.191, 162.201, 162.261, 162.321, 162.371, 162.391, 162.411, 162.501, 162.631, 164.161, 164.221, 165.031, 165.221, 166.151, 167.091, 167.101, 167.141, 167.191, 167.211, 167.221, 167.251, 167.260, 167.268, 167.275, 167.278, 167.308, 167.330, 168.171, 168.181, 168.191, 168.201, 168.221, 170.031, 170.041, 170.057, 171.031, 171.051, 171.141, 171.181, 177.011, 177.031, 177.051, 177.073, 177.091, 177.101, 177.131, 177.161, 177.171, 178.290, 178.300, 178.310, 178.320, 178.330, 178.340, 178.350 and 178.360, RSMo 1994, and sections 161.102, 161.205, 165.091, 165.111, 167.161, 168.211 and 177.086, RSMo Supp. 1997, relating to public schools, and to enact in lieu thereof twenty-seven new sections relating to the same subject.

SB 781-By House, Johnson, Flotron, McKenna, Clay and Wiggins.

An Act to repeal sections 160.538, 162.081 and 168.221, RSMo 1994, and sections 163.011 and 166.275, RSMo Supp. 1997, relating to education, and to enact in lieu thereof fourteen new sections relating to the same subject.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 3**.

HOUSE CONCURRENT RESOLUTION NO. 3

WHEREAS, section 137.021, RSMo, provides that on or before December thirty-first of each odd-numbered year, the state tax commission shall...promulgate by regulation and publish a value based on productive capability for each of the several grades of agricultural and horticultural land; and

WHEREAS, the state tax commission, in concordance with section 137.021, RSMo, did on November 14, 1997, propose a value for each of the several grades of agricultural and horticultural land for the 1999 and 2000 assessment years; and

WHEREAS, the members of the general assembly believe that the proposed agricultural land values are excessive; and

WHEREAS, section 137.021 provides that the general assembly, within the first sixty calendar days of the regular session immediately following the promulgation of such regulation, by concurrent resolution, can disapprove the values contained in such regulation; and

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Eighty-Ninth General Assembly, the Senate concurring therein, hereby disapprove the regulation promulgated by the state tax commission pursuant to section 137.021, RSMo, establishing agricultural land values; and

BE IT FURTHER RESOLVED that we, the members of the Eighty-Ninth General Assembly, recommend that the state tax commission review the current procedure for determining and establishing agricultural land values.

In which the concurrence of the Senate is respectfully requested.

Senator Wiggins assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 477**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

RE-REFERRALS

President Pro Tem McKenna re-referred **SB 549** to the Committee on Aging, Families and Mental Health.

Senator McKenna requested unanimous consent of the Senate to withdraw **SB 712**, which request was granted.

Senator Johnson requested unanimous consent of the Senate to send forward the following corrected committee report on **SB 477**, which request was granted.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 477**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 998, regarding the death of Joseph E. Ostermeyer, Florissant, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Russell introduced to the Senate, Dan and Joann True, Lebanon.

Senator Wiggins introduced to the Senate, Eben Fowler, and his daughters, Mary, Elizabeth and Sarah, home schoolers from Kansas City; and Mary, Elizabeth and Sarah were made honorary pages.

Senator Clay introduced to the Senate, Susie Cunningham-Shaw, St. Louis.

Senator Maxwell introduced to the Senate, Shannon Little and Brant Mettler, Shelbina; and Shannon and Brant were made honorary pages.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

NINTH DAY--WEDNESDAY, JANUARY 21, 1998

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Chaplain offered the following prayer:

Dear Lord, You are merciful in all we do. You are patient with actions and behavior. You love us no matter who we are or what we do. We know that as merciful, patient and loving as You are, that You still expect us to give an account of what we do. Help us to live in such a way that we will be found faithful in Your sight. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

- Senator Caskey offered Senate Resolution No. 999, regarding Doug Bartz, Butler, which was adopted.
- Senator Singleton offered Senate Resolution No. 1000, regarding Kathy and Mike Wells, Carthage, which was adopted.
- Senator Yeckel offered Senate Resolution No. 1001, regarding Tessa Greenspan, which was adopted.
- Senator Yeckel offered Senate Resolution No. 1002, regarding Michelle Stanze, which was adopted.
- Senator Yeckel offered Senate Resolution No. 1003, regarding Jayne Swantner, which was adopted.

Senator Yeckel offered Senate Resolution No. 1004, regarding Gene Syrewicz, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 782-By Howard and Bentley.

An Act to repeal section 354.535, RSMo Supp. 1997, relating to health services corporations, and to enact in lieu thereof one new section relating to the same subject.

SB 783-By Sims.

An Act to amend chapter 632, RSMo, by adding thereto twelve new sections relating to sexual offenses.

SB 784-By Clay.

An Act to repeal section 213.010, RSMo 1994, relating to human rights, and to enact in lieu thereof one new section relating to the same subject.

SB 785-By Clay.

An Act to repeal sections 213.070 and 213.111, RSMo 1994, relating to unlawful discriminatory practices, and to enact in lieu thereof two new sections relating to the same subject.

SB 786-By Clay.

An Act to repeal sections 213.010, 213.020, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, 213.101 and 213.111, RSMo 1994, and section 213.030, RSMo Supp. 1997, relating to human rights, and to enact in lieu thereof eleven new sections relating to the same subject.

SB 787-By Clay.

An Act to amend chapter 620, RSMo, by adding thereto six new sections relating to the development of microenterprise programs.

SB 788-By Flotron.

An Act to repeal section 537.762, RSMo 1994, relating to products liability, and to enact in lieu thereof one new section relating to the same subject.

SB 789-By Flotron, Wiggins, House, Yeckel, Kenney, Clay, Mueller, Scott and Sims.

An Act to amend chapter 160, RSMo, by adding thereto five new sections relating to charter schools.

SB 790-By Westfall.

An Act to amend chapter 332, RSMo, relating to dentists by adding thereto one new section relating to the same subject.

SB 791-By Russell.

An Act to amend chapter 206, RSMo, relating to hospital districts by adding thereto one new section relating to the same subject.

SB 792-By Mathewson.

An Act to repeal sections 408.100, 408.160, 408.200, 408.232 and 408.233, RSMo 1994, and section 408.140, RSMo Supp. 1997, relating to financial transactions, and to enact in lieu thereof eight new sections relating to the same subject.

SB 793-By Childers.

An Act to repeal section 660.078, RSMo 1994, relating to the elderly home delivered meals trust fund, and to enact in lieu thereof one new section relating to the same subject.

Senator Quick moved that the Senate recess to repair to the House of Representatives to receive the State of the State Address from His Excellency, Governor Mel Carnahan, which motion prevailed.

JOINT SESSIONThe Joint Session was called to order by President Wilson.

On roll call the following Senators were present:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
Absent--Senator Schneider--1			
Absent with leave--Senators--None			

On roll call the following Representatives were present:

Present--Representatives			
Akin	Alter	Auer	Backer
Ballard	Barnett	Barry (100)	Bartelsmeyer
Bauer	Bennett	Berkstresser	Bland
Boatright	Boucher	Bray (84)	Broach
Burton	Campbell	Carter	Champion
Chrismer	Cierpiot	Clayton	Cooper
Crawford	Crump	Daniels (41)	Davis (122)
Davis (63)	Days	DeMarce	Dolan
Donovan	Dougherty	Elliott	Enz
Evans	Farnen	Fitzwater	Foley
Ford	Foster	Franklin	Fritts
Froelker	Gaskill	Gaston	Gibbons
Graham (106)	Graham (24)	Gratz	Green
Griesheimer	Gross	Gunn	Hagan-Harrell
Hall	Harlan	Hartzler (123)	Hartzler (124)
Heckemeyer	Hegeman	Hendrickson	Hickey
Hilgemann	Hohulin	Holand	Hollingsworth
Hoppe	Hosmer	Howerton	Johnson
Kasten	Kauffman	Kelley (47)	Kelly (27)
Kennedy	Kissel	Klindt	Koller
Kreider	Lakin	Leake	Legan
Levin	Liese	Linton	Lograsso

Long	Loudon	Luetkenhaus	Marble
May (108)	Mays (50)	McBride	McClelland
McLuckie	Merideth	Miller	Monaco
Murphy	Murray	Naeger	Nordwald
O'Connor	Ostmann	O'Toole	Overschmidt
Parker	Patek	Pouche	Pryor
Purgason	Ransdall	Reinhart	Relford
Reynolds	Richardson	Rizzo	Robirds
Ross	Sallee	Scheve	Schilling
Schwab	Scott	Secrest	Seigfreid
Sheldon (104)	Shelton (57)	Shields	Skaggs
Smith	Steen	Stokan	Stoll
Stroker	Summers	Surface	Thomason (163)
Thompson (72)	Townley	Treadway	Troupe
VanZandt	Vogel	Wannenmacher	Wiggins
Williams (121)	Williams (159)	Wilson	Wooten
Mr. Speaker--153			
Absent and Absent with Leave--Representatives			
Bonner	Copeland	Daniel (42)	Edwards-Pavia
Lawson	Ridgeway	Shear	Thompson (37)-8
Vacancies--2			

The Joint Committee appointed to wait upon His Excellency, Governor Mel Carnahan, escorted the Governor to the dais where he delivered the State of the State Address to the Joint Assembly:

State of the State Address

By

Governor Mel Carnahan

January 21, 1998

Mr. President, Mr. Speaker, Mr. President Pro Tem, Distinguished State Officials, Members of the 89th General Assembly, and Citizens of the State of Missouri:

INTRODUCTION

When we seek the foundation for a new century, we need not travel far. That foundation is found in the faces of our children.

As governor, I receive all kinds of letters. But the ones I treasure most come from these young people. When they share their questions...their ideas...their dreams, you cannot help but realize how important the work we do here really is.

One of the letters I received came from a fifth grader from St. Louis named John Doyle, who wanted me to visit his school. In that letter, John was thinking ahead. He included a P.S. that read: "I wrote the President a letter and also asked him to come to my school. So make sure you aren't coming on the same day the president is."

Another letter I will always remember came from Jessica Herron of Paris. She just wrote me to say that she thought I looked pretty good for my age. Her civics teacher had told her how old I was, and she thought I looked twenty years younger. So naturally, I wanted you to meet such a perceptive and intelligent young lady. I might add that Jessica ended her letter by telling me to "keep looking good." Jessica, I just want you to know I'm trying.

Rachel Higginbotham from St. Louis sent me a leadership survey, which I filled out and returned to her. And then there are the thank you letters I

get for all we are doing for education--like the one I received last summer from Ariel Roads of Moberly. Ariel had just attended our Missouri Scholars Academy where gifted students who will be high school juniors are selected to participate in three weeks of learning and enrichment activities to help them realize the full potential of their abilities.

We also have some other students from last year's Scholars Academy here today--Cecilia Kuntz of Cape Girardeau; Cali Howitt from Springfield; Shayla Day from New Madrid; Grant Ewert of Hannibal; Jean Yu from St. Louis; and Tanisha Robinson from Liberty. Would you all please stand, so we can show you how much we appreciate your being here.

One other Missouri Scholar is with us today, and I want to tell you a little bit about him because he is a young man whose letter made a great impression on me. That young man is Zachary Burden of Kansas City. Zachary attends Oak Park High School where he is on the Student Council, is deeply involved in music, and was President of his Sophomore class and of the Honor Society. As if that isn't enough, he has worked to coordinate activities for children at a local homeless shelter and worked with a home for teenage mothers. Zachary says, "the best way to lead is by example," and certainly Zachary is living by that creed. In his letter, Zachary talks about what makes a true leader, and he describes things such as standing up for what you believe, caring about the people you represent, and knowing when to stand firm and when to compromise. Zachary Burden wants to be a public officeholder, and I believe he would be a great one. Zachary, would you please stand.

Many of these young people like Zachary Burden may be public servants one day--some of them sitting in the very seats you occupy now. These young people will be running our businesses...caring for the sick and needy...teaching the generation to follow. That's why I wanted you to meet them.

They are the faces of the future...our future...Missouri's future. And the decisions we make over the next few months will have a direct effect on the path their lives will take.

Our legacy should be a solid foundation for these young people to build on--a Missouri that answers their questions...encourages their ideas...fulfills their dreams.

ECONOMY

Building a solid foundation for the faces of the future begins with a strong economy. Missouri's economy is packing a solid punch with all major economic indicators continuing to flex their muscles.

Since I took office, we have created more than 317,000 new jobs. In fact, over the years of our administration, Missouri's job creation rate has grown a full percentage point faster than the nation's. Our exports have doubled. Last year, Missourians' personal income rose 5.9 percent. And at 3.5 percent, our current unemployment rate has reached an historic low--almost a full percentage point below the national rate.

Our economy is doing so well because business has confidence in Missouri. We have established a good climate for investment. We are keeping the quality of our work force up. We have a highly skilled work force that is one of the most productive in the country. And we have a well-defined educational network that gives workers the skills they will need to succeed in the emerging high-tech economy of the 21st century.

We are keeping the cost of doing business down. For example, by increasing the competition between insurance companies to provide workers compensation coverage, premiums for businesses have declined by approximately \$236 million--with a 10 percent decrease just in the last year alone.

We will continue to work toward improving our business climate and creating jobs for Missourians. And we will continue to keep the financial affairs of state government in order.

We will continue to keep our debt and tax burden low. Currently, only one state in the entire nation has lower combined state and local taxes. And year after year, we balance our state budget.

I want to acknowledge our two budget chairs, Senator Lybyer and Rep. Franklin, as well as the members of their committees, for their role in keeping our state on sound financial footing. Because of our careful budgeting practices, excellent financial management, and pro-active approach to economic development, Missouri continues to be nationally recognized.

TAX CUTS

As a result of our strong economy, we can offer Missourians new tax relief again this session. Last year, we left more money in our citizens' pockets by cutting the state sales tax on food. This year, we want to cut taxes on another necessity--the home.

Our tax cut, called the Homestead Property Tax Credit, would help Missourians who pay real property tax or rent. Homeowners making under \$100,000 per year would be eligible for a partial tax credit on property tax paid. Renters would be given partial tax credit.

Most Missouri households would realize a \$70 savings from this action. For the average married couple, this tax cut would equal almost ten percent of their property tax. The tax cut would begin in tax year 1998 and benefit approximately 2.9 million Missourians. Providing this new tax cut will enhance our national reputation for budgetary responsibility and offer more relief for our working families.

A second action I am proposing offers enhanced property tax relief to those Missourians who need it most--our seniors and Missourians with disabilities. We currently offer a property tax credit for seniors and the disabled known as the Circuit Breaker, which allows many of these citizens to stay in their own homes rather than being forced to go into nursing homes or other care facilities.

Under our proposal, we will increase the number of elderly and disabled Missourians who qualify for this credit, increase the number who receive the maximum credit, and increase the amount of partial credit for those who are eligible. We will raise the income thresholds for married filers so that those earning up to \$27,000 could participate. For single filers, those earning up to \$25,000 will now be eligible.

Taken together, our Homestead Property Tax Credit and the expansion of our Seniors and Disabled Property Tax Credit will provide broad-based and meaningful tax relief, just as we did last year when we eliminated the state sales tax on food.

When our 1997 and 1998 tax cuts are fully implemented, we will have cut Missourians' taxes by over \$460 million a year. This is significant relief that targets the two basics in every Missouri household--food and shelter. In addition, these tax cuts strike a solid balance between our desire to offer Missourians additional tax relief and the need to safeguard the investments we are making to improve their quality of life.

By maintaining that critical balance, we ensure that our strong economy and quality of life will continue. Our efforts to improve the education of our children, move people from welfare into the work force, and keep our citizens safe from dangerous criminals must advance if we are to continue to improve our quality of life.

Compromising our investments of today would sacrifice the future of the faces of tomorrow.

EARLY CHILDHOOD CARE AND EDUCATION

From the moment these faces of tomorrow come into the world, they are looking to us...for love...for care...for instruction. The latest research confirms that the direction our children's lives will take is substantially shaped by the first five years of their lives. So it's crucial that we offer our children the resources and experiences they need to grow into bright, responsible adults.

Failure to provide the best care and education for our children in the beginning means we will be paying a high price in the end. Criminal behavior, illiteracy, poor health, and lack of productivity and personal responsibility are much more difficult to reverse later in life and certainly more costly.

We must provide our children with the opportunities they need to be successful. Yet, today, more and more parents must seek help in providing early care and education. More than 60 percent of our parents with children under the age of six work outside the home.

The constantly increasing number of families with two working parents, single working parents, and former welfare recipients moving into work means more Missouri children are receiving more of their care and education outside the home than ever before. Unfortunately, those services are not always easily available, affordable, or of the best quality. And no parents are at their best, personally or professionally, if they must worry constantly about finding someone that they can afford and trust to take good care of their child.

Building on the work of our Commission on Early Childhood Care and Education, I am proposing a three-pronged initiative in this area. First, we must expand the availability of early childhood care and education. Second, we must improve the quality of this education and care. And third, we must enhance health screenings during the critical first three years.

To expand availability, we propose encouraging public schools to create voluntary pre-kindergarten programs we call "Jump Start." The schools who choose to offer these opportunities will have local control and be able to tailor their approach to be responsive to the needs of their individual communities.

Some voluntary pre-kindergarten opportunities such as the Schools of the 21st Century in Independence are already springing up in our state. We need to encourage this trend by providing start-up grants and other incentives. The result will be more options for more parents and their children.

Expanding access to child care for low-income working families must also be targeted. Since I took office, we have moved more than 82,000 people off of the welfare rolls.

But if our success is to continue, access to affordable child care is imperative. Therefore, our budget will establish 3,900 more child care openings, specifically aimed at helping parents move from welfare to work.

Our second area of concentration targets improving the quality of child care. To help ensure a quality child care work force, we call for scholarships to workers to cover 75 percent of the cost of the continuing training required to work in a licensed child care facility.

In addition, we will bring more training opportunities to in-home providers through our Educare initiative. To encourage the private sector to provide more high quality child care options, we propose redirecting resources to increase reimbursements by 20 percent to our best child care facilities--those that are "accredited".

Our third priority will be early childhood screenings. For the first time, developmental screenings of children under the age of two will be available to every Missouri family that wants them.

Early detection and treatment of delays and problems are critical, so we must make every effort to identify those conditions before it is too late to correct them. We currently have a good network that provides developmental screenings, but it is not complete.

Our initiative will expand access to our nationally recognized Parents As Teachers program and other services that promote healthy development for our youngest citizens. We believe by concentrating on these three areas...availability, quality, and screenings...we can ensure the success of the most important investment in our future--our children.

We all know child care can never take the place of parents. It is only an assurance that in the working parents' absence their child is receiving support, protection, and enrichment. Making available this kind of quality care helps ensure that our faces of the future will enter school ready to learn.

HEALTHY CHILDREN

All of our faces of the future should be healthy faces. Currently, we have 175,000 Missouri children who have no health insurance. Some of them are from families who cannot afford insurance for anyone in the family. Others come from families where employers provide insurance for a parent, but no family coverage, and the cost of an individual policy for that child is more expensive than their family can afford. Many of these children are deprived of good preventive health care services and treatment.

This is unacceptable. By insuring these children, we can prevent many childhood illnesses and disabilities and the expense that accompanies them. Last year, we proposed offering parents access to low-cost private health insurance for their children through our Kids Care Initiative. Even though it enjoyed broad public support and would have made a great positive impact on the health of Missouri's children at no cost to state taxpayers, the legislature failed to pass Kids Care.

Fortunately, the President and Congress both agreed to greatly expand the national commitment to children's health. So last August, our administration filed for a federal waiver to take full advantage of the new federal resources for children's health care.

Today, I am proposing a Children's Health Initiative that builds on our existing Medicaid managed care program to save administrative costs, speed start-up, and ensure consistency of children's health care. The new federal resources will allow us to expand the availability of this managed care coverage for children up to 300 percent of the federal poverty level.

Our proposal also includes strong safeguards to make certain children are not transferred out of existing private insurance plans. These safeguards include co-pays and sliding scale premiums if this side effect, sometimes called "crowd-out," occurs.

Last year, both the Missouri House and the Senate approved language providing children's health care up to 300 percent of the poverty level. By giving your legislative approval of this action again, we can make health care coverage available for 90,000 of Missouri's uninsured children.

Through proper health care and child care, we can ensure our faces of the future get the best start in life.

EDUCATION

Once our children have a healthy start in life, we must ensure that the next stage of their development is strong.

They must receive the education and training they need from our schools to succeed in the work force of a new century. Providing those opportunities for the faces of the future is the most important priority of our administration.

The reforms of our Outstanding Schools Act continue to improve the quality of education in classrooms all across Missouri. Reduced class sizes, more computers, better vocational education, more highly trained teachers, curriculum improvements, higher academic expectations, and more

thorough testing of progress are all having an impact on the level of learning in our schools.

Once again this year, we will be fully funding our new, more equitable school foundation formula so all of our students can have the tools they need to achieve. I am also optimistic about the progress that is being made to remove our urban schools from the control of the federal courts.

The joint committee that studied our urban education problems last year did a thorough job. Certainly, there are a number of issues to be worked out, but the committee's recommendations contain ideas worthy of thoughtful consideration.

Our administration is committed to two goals: bringing court-ordered desegregation to an end and even more importantly, ensuring that all Missouri students, both urban and rural, have access to a quality education.

I look forward to working with you during the session as we search for ways to fully achieve those two goals.

Another barrier to some of our children receiving a quality education is unfit teachers. Recent newspaper stories focus on the fact that there are some teachers who are still in the classroom after having been convicted of felonies.

While the vast majority of our teachers are exemplary role models, we cannot tolerate the presence of teachers who may be dangerous to our children's well-being. These unfit teachers--few as they may be--have the potential to do irreparable harm to countless students.

I have already issued an executive order that directs our state agencies to compare the records of certified teachers against the records of serious felony convictions. Now I am asking you to take the necessary legislative action to remove any unfit teachers from the classroom immediately.

Our proposal would automatically revoke the certificates of teachers convicted of a serious felony crime such as murder, rape, sodomy, child molestation, and drug trafficking. We must see that our children are not placed at risk because of criminals in our classrooms.

Another danger to students in the classroom is inappropriate material on the Internet. Thanks to our expanding computer technology, the Internet has become indispensable in opening the libraries of the world to even the most remote schools.

I am proud that you and I have helped schools get access to the Internet. However, unlike our school libraries, the Internet is not strictly designed for students and permits access to inappropriate material for young people.

I want to make the Internet safe for students by helping schools purchase software that blocks access to these inappropriate sites. This software can prevent certain words from being used in computer searches, blocks access to particular sites, or allows access to only approved sites.

While some schools have begun to purchase this software, their purchases have been limited due to financial constraints. Our initiative would make grants available so that within two years, this software to make the Internet safe for our children could be purchased for any school that wants it.

We must continue to expand access to technology for our students. But we must do so in a way that protects our children. I believe this effort will allow us to keep that critical balance.

In addition to access to technology, it is imperative that our young people realize how important post secondary education is to their ability to compete in the world today. A high school diploma is no longer sufficient for much of today's job market.

A thirteenth and fourteenth year of education has a dramatic effect on our citizens' earning power. Yet the rising cost of receiving any education above high school is a major barrier for many Missourians. So we must be committed to helping more of our citizens obtain the skills they desire.

President Clinton's Hope Scholarship has been approved on the federal level to offer up to a \$1,500 federal tax credit on tuition and fees for students who want that thirteenth and fourteenth year. But even with the Hope Scholarship, we have gaps. The Hope Scholarship does not cover some of our low-income students.

Therefore, I am proposing a Bridge Scholarship this year that will bridge the gaps between the Hope Scholarship and other sources of financial aid. Under the Bridge Scholarship plan, students who cannot take full advantage of the Hope Scholarship and other financial aid could still receive up to \$1,500 a year with a lifetime maximum of \$3,000.

Bridge Scholarships will provide us with a seamless federal-state approach that will give our citizens access to the opportunity of a 13th and 14th year of education.

CRIME

Just as important as shaping our faces of the future for success is our responsibility to protect them from harm.

Our administration has already made great strides in reducing crime rates through our tougher sentences for dangerous criminals and violent juvenile offenders, our lifetime sentences for sexual predators, and our increase in better trained and equipped law enforcement officers.

But right now, another threat is stalking our citizens throughout the state--the monster known as methamphetamine. It lurks in homes, barns, sheds, cars, and hotel rooms, leaving a trail of contamination, death, and destruction in its wake.

Once trapped in "meth's" addiction, the victims face severe health damage or in many cases, death. The reason for its popularity in the drug market is that it's easy and cheap to produce and buy.

Our state has become a "Meth Mecca" because our geographic location provides convenient access to any part of the United States and our rural nature makes it easy to hide an illegal lab in isolated areas. These labs can explode, endangering the lives of innocent people nearby. Law enforcement officers are often seriously injured just from the fumes when they attempt to break up one of these labs. And each pound of "meth" produced in one of these labs creates five to six pounds of hazardous waste to pollute our air, water, land, and livestock.

With all of the dangers "meth" carries with it, it is imperative that we make a coordinated effort to rid our state of "death by meth."

As a result of recommendations from our "Meth" Summit last fall, I am proposing a three-pronged attack to crack down on "crank"--an attack that:

---toughens laws against manufacturing and trafficking;

---gives more resources to law enforcement;

---and expands treatment options for those addicted.

I am urging that we impose penalties that place "meth" manufacturing and trafficking in the same criminal categories as other highly addictive drugs. I'm calling for reductions in the amount of "meth" that is necessary as evidence to gain a felony conviction. I'm ordering new investigative, crime lab, and officer safety equipment as well as new "meth" training for officers. And I'm proposing new prevention and early intervention services to catch at-risk young people early.

We must stop this "epidemic of evil" from spreading across our state and infecting our citizens.

As I mentioned earlier, as a result of legislation the General Assembly passed in 1996, our courts and prosecutors now have the tools to sentence individual "sexual predators" to a life sentence. However, because of pending constitutional issues at that time, our new law did not apply to those who are already in our correctional and mental health systems.

But now that the courts have settled the issue, I believe we must take further steps to make certain that the citizens of our state are not victimized by these threats to our society.

I urge the General Assembly to enact legislation which allows the departments of Corrections and Mental Health to identify and detain in custody those individuals who are likely to attack again but are not subject to our current sexual predator law. This is another significant step in giving Missouri citizens the safety they deserve.

In providing that safety, I believe there is another action we must take this legislative session. We must fund the replacement of our Jefferson City Correctional Center for the safety and security of both the community and the correctional staff.

This prison has served the citizens well since 1836 but has become increasingly more costly to operate and maintain over the years. By replacing this facility now, we will enhance public safety while saving Missouri taxpayers \$49 million.

I want to acknowledge Senator Lybyer for his work on this issue. He has been a longtime supporter of this replacement because of its benefits to public safety and its cost-effectiveness.

By continuing to provide strong weapons to fight crime in Missouri, I believe we can keep our commitment to protect the hope that is found in our faces of the future.

CONCLUSION

As you know, I visit with many schoolchildren. And in those faces, I can see that hope burning. In those young people's eyes, I see the intelligence, the enthusiasm, and the energy that will build a better Missouri for all of us. Our actions in the months ahead will give our children that chance.

Recently, when I had a public event with a group of third graders, at the end of our time together, one little boy was giving interviews to the media.

When one of my staff remarked that the next Walter Cronkite was standing there, the little boy's teacher told her: "You don't know how much today means to him. All his life he has been shuffled from one foster home to another. But today, he's somebody."

I believe all our citizens should have the opportunity to be somebody. I know I will never forget the action of someone years ago that inspired me to want to be somebody.

When I first ran for state representative, he gave me a buckeye. Now in the Ozarks, where I come from, a buckeye is supposed to bring good luck. But to me, receiving that buckeye was more than that. To me, that simple gift said: "Someone believes in you."

I carried that buckeye for years in my pocket, and every time I touched it, no matter what was happening in my life, good or bad, that message came back to me: "Someone believes in you." The man who gave me that buckeye was my father.

Even to this day, I keep one in my desk drawer. And opening that drawer is like opening up all that love, that strength, and that inspiration that he gave to me.

So before we came here today, I gave each of these young people a buckeye. I gave it to them in the hope that it will always be a reminder, no matter where life may take them, that we believe in them.

And that's why we're here today. Because we believe in our young people. We believe in our state. We believe in our future.

May God grant us the strength and the wisdom in the days ahead to act on that faith--a faith in the faces of the future.

On motion of Senator Quick, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Wiggins.

Senator Quick announced that photographers from the Carthage Press had been given permission to take pictures in the Senate Chamber today.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 794-By Klarich.

An Act to amend chapter 28, RSMo, by adding thereto two new sections relating to state records.

SB 795-By Klarich.

An Act to repeal sections 347.163 and 359.021, RSMo 1994, and section 358.510, RSMo Supp. 1997, relating to business organizations, and to enact in lieu thereof three new sections relating to the same subject.

SB 796-By Klarich.

An Act to repeal sections 351.604, 355.716 and 355.813, RSMo 1994, relating to reinstatement of corporations, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

SB 797-By McKenna.

An Act to repeal section 476.682, RSMo 1994, relating to certain judges, and to enact in lieu thereof one new section relating to the same subject.

SB 798-By McKenna.

An Act to repeal section 572.010, RSMo 1994, relating to gambling, and to enact in lieu thereof one new section relating to the same subject.

SB 799-By DePasco.

An Act to repeal sections 86.390, 86.440, 86.441, 86.483, 86.680 and 86.750, RSMo 1994, and sections 86.447, 86.620 and 86.672, RSMo Supp. 1997, relating to certain police retirement systems, and to enact in lieu thereof nine new sections relating to the same subject.

SB 800-By Curls.

An Act to repeal section 141.750, RSMo 1994, relating to delinquent taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 801-By Curls.

An Act to repeal sections 610.122 and 610.123, RSMo Supp. 1997, relating to the expungement of certain criminal records, and to enact in lieu thereof ten new sections relating to the same subject.

SB 802-By Curls.

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to state historic sites.

SB 803-By Curls.

An Act to repeal sections 374.700, 374.705, 374.720, 374.725, 374.730, 374.735, 374.740, 374.750, 374.755, 374.760, 374.765, 374.770, 374.775 and 575.030, RSMo 1994, and sections 374.710, 374.715 and 374.763, RSMo Supp. 1997, relating to the regulation of bail bondsmen, and to enact in lieu thereof forty-two new sections relating to the same subject, with penalty provisions.

SB 804-By Curls.

An Act to amend chapter 82, RSMo, by adding thereto one new section relating to the forfeiture of property used in criminal activity, with penalty provisions.

SB 805-By Jacob.

An Act to amend chapter 327, RSMo, by adding thereto one new section relating to design/build contracts.

SB 806-By Maxwell.

An Act to repeal sections 195.233, 195.420, 195.503, 195.505, 195.509 and 568.045, RSMo 1994, and section 570.030, RSMo Supp. 1997, relating to crimes and punishment, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions.

SB 807-By Maxwell.

An Act to repeal sections 205.969 and 205.970, RSMo 1994, and section 205.968, RSMo Supp. 1997, relating to services for persons with developmental disabilities, and to enact three new sections relating to the same subject.

SJR 28-By Curls.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 11(b) of article X of the constitution of Missouri relating to the approval of tax rates for school districts, and adopting two new sections in lieu thereof relating to the same subject.

CONCURRENT RESOLUTIONS

Senators Schneider and Maxwell offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 31

An act by concurrent resolution and pursuant to Article IV, Section 8, to repeal 10 CSR 80-2.013 relating to requirements for an application for a solid waste disposal facility permit.

WHEREAS, The Department of Natural Resources filed notice of proposed rulemaking for 10 CSR 80-2.013 on October 10, 1996, and filed the order of rulemaking with the Committee on Administrative Rules on March 24, 1997 with notice of intent to file with the Secretary of State on April 23, 1997; and

WHEREAS, the proposed rule requires an applicant for a solid waste disposal permit to conduct two separate public meetings known as "public awareness and community involvement sessions" at an estimated cost of \$10,000 to the applicant; and

WHEREAS, Sections 260.200 to 260.241, RSMo, specifies the requirements for an application for a permit which not only does not require the applicant to conduct public meetings, but rather requires the Department to hold such public hearings; and

WHEREAS, the sole authority delegated to the Department to promulgate and adopt rules and regulations is specifically limited in Section 260.225.1.(3), RSMo, to "such rules and regulations relating to solid waste management systems", and 10 CSR 80-2.013 relates to the permit application process rather than to solid waste management systems; and

WHEREAS, the General Assembly has not delegated any rulemaking authority to the Department concerning the requirements for the application for a permit, but rather, the General Assembly has preempted the requirements for the application process which does not include the holding of public sessions and the attendant cost related there to; and

WHEREAS, 10 CSR 80-2.013 may be published by the Secretary of State on or after January 22, 1998; and

WHEREAS, Executive Order 97-97 provides that Executive Departments shall give force and effect to concurrent resolutions; and

WHEREAS, the Joint Committee on Administrative Rules has found that the Department has exceeded its rulemaking authority and recommends that the General Assembly act to permanently suspend and/or revoke 10 CSR 80-2.013:

NOW THEREFORE, the General Assembly finds that:

1. 10 CSR 80-2.013 relates to the permit application process and purports to add additional requirements that are not provided in Sections 260.200 to 260.241, RSMo; and
2. The General Assembly has preempted the application process and has specified all of the requirements for obtaining a permit in Section 260.205, RSMo; and
3. The Department has no authority to increase the requirements for obtaining a permit; and
4. Section 260.225, RSMo, limits the authority of the Department to issue rules to those rules related to the solid waste management systems and no authority has been delegated to the department to issue rules which create additional, substantive requirements necessary to apply for a permit.

NOW THEREFORE, the eighty-ninth General Assembly, upon concurrence of a majority of the members of the Senate and a majority of the members of the House of Representatives, hereby permanently revokes 10 CSR 80-2.013; and

BE IT FURTHER RESOLVED that a copy of the foregoing be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the revocation upon this resolution having been signed by the Governor or having been approved by two-thirds of each house of the Eighty-ninth General Assembly, Second Regular Session, after veto by the Governor as provided in Article III, Sections 31 and 32, and Article IV, Section 8 of the Missouri Constitution; and

FURTHER, that a properly inscribed copy be presented to the Governor in accordance with Article IV, Section 8 of the Missouri Constitution.

REPORTS OF STANDING COMMITTEES

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Stephen M.

Mahfood, as Director of the Department of Natural Resources, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Jacob moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of William L. "Barry" Orscheln, as a member of the State Highway and Transportation Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Jacob moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of William E. Gladden, as a member of the State Highway and Transportation Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Lybyer moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Erwin F. Mall, as a member of the Gaming Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Quick moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Julian M. Seeherman, as a member of the Gaming Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Sims moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which were referred **SB 707** and **SB 484**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 808-By Maxwell.

An Act to repeal section 43.050, RSMo Supp. 1997, relating to public safety personnel, and to enact in lieu thereof one

new section relating to the same subject.

REFERRALS

President Pro Tem McKenna referred **HCR 3** to the Committee on Rules, Joint Rules and Resolutions.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 30**.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 1005, regarding Michael Opsomer, DVM, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1006, regarding Michael Baum, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1007, regarding Jessica Lamb, Springfield, which was adopted.

COMMUNICATIONS

President Pro Tem McKenna submitted the following:

January 5, 1998

The Honorable Bill McKenna

President Pro Tem

Missouri Senate

326 State Capitol

Jefferson City, MO 65101

Dear Bill:

This is in regard to the Missouri Emergency management Commission. On March 3, 1997, I was reappointed to represent the Senate on the Commission. Unfortunately, due to the schedule of the Senate as well as other commitments I have been unable to actively participate as a member of the Commission. As I review the Commission's scheduled meetings for 1998, I have determined that the same conflicts will continue to occur. Therefore, I request that you appoint another member of the Senate to serve in my place.

Thank you.

Sincerely,

/s/ Wayne

WAYNE GOODE

Also,

January 16, 1998

The Honorable William P. McKenna

President Pro Tem

State Capitol Bldg., Rm. 326

Jefferson City, MO 65101

Dear Bill,

As you know, I am currently a member of the Missouri Commission on Intergovernmental Cooperation.

I was appointed a member of this commission in 1994. Over the years I have been unable to attend the commission meetings. Thus, I feel it would be in the best interest of the state for me to be replaced by a senator who is able to attend the meetings and become involved with their objectives.

I hope you will act favorably on this request.

Sincerely,

/s/ Sidney Johnson

Sidney Johnson

State Senator

34th District

The following was submitted:

January 20, 1998

Ms. Terry L. Spieler

Secretary of Senate

Senate Post Office, State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Under the provisions of 536.021 and 536.037, RSMo, the Joint Committee on Administrative Rules met in Executive Session on January 19, 1998 and voted unanimously to adopt the attached "Report and Recommendations to the General Assembly".

Copies of this letter and the "Report and Recommendations" are being distributed to all members of the General Assembly.

Sincerely,

/s/ Mary Estes Benward

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Clete Stanfill, Caruthersville.

Senator Johnson introduced to the Senate, Michael and Kimberly McEnulty, Platte City.

Senator Johnson introduced to the Senate, Dr. Jan Myers, and her daughter, Katie, Kansas City; and Katie was made an honorary page.

Senator Singleton introduced to the Senate, Edie Swingle Neil, Kathleen McGuire, Ron Graber, D. P. Kirchner, Diane Sharits, Lloyd Cooley, Heather Kelly, Hugh Overton, Kim Meyer, Tom Short, Linda Short, Mike Gilpin, Raymond Allsbury, Art Dunaway, Lujene G. Clark, Donna J. Friesen and Tom Harter, Carthage; and Officer Frank Lundien, Joplin Police Department.

Senator Bentley introduced to the Senate, Pat Turner, Rick Gardner and Jim Kabell, Springfield.

On motion of Senator Quick, the Senate adjourned.

Journal of the Senate

SECOND REGULAR SESSION

TENTH DAY--THURSDAY, JANUARY 22, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, deliver us from those who would use catchy phrases, witty expressions and clever comments instead of worthy deeds, decisive actions and helpful projects to serve the people. We pray for those in this chamber who back up what they say with what they do, who practice what they preach and whose word is their bond. Help us all to live up to the best that is in us. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
Absent with leave--Senators			
DePasco	Scott--2		

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1008, regarding John Simon Roach, Independence, which was adopted.

Senator Mueller offered Senate Resolution No. 1009, regarding Carol Ann Miller, Kirkwood, which was adopted.

Senator Mueller offered Senate Resolution No. 1010, regarding Gary Giessow, Kirkwood, which was adopted.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 809-By Klarich.

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to certain real property.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 3**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

On behalf of Senator House, Chairman of the Committee on Education, Senator Quick submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 501**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator Quick submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 615**, begs leave to report that it has considered the same and recommends that the bill do pass.

CONCURRENT RESOLUTIONS

Senator Johnson requested unanimous consent of the Senate to suspend the rules and take **HCR 3** up for adoption, which request was granted.

HCR 3 was taken up.

Senator Johnson moved that **HCR 3** be adopted.

Senator Mathewson assumed the Chair.

Senator Staples assumed the Chair.

Senator Schneider offered a substitute motion that **HCR 3** be referred to the Committee of the Whole and action be delayed to the week of February 2, 1998, or such later date as the floor leader determines.

Senator Mathewson requested a roll call vote be taken on the substitute motion made by Senator Schneider, and was joined in his request by Senators Childers, Johnson, Kinder and Westfall.

At the request of Senator Schneider, the substitute motion was withdrawn.

At the request of Senator Johnson, the motion to adopt **HCR 3** was withdrawn.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 810-By Scott.

An Act to repeal sections 273.325, 273.327, 273.329, 273.331, 273.333, 273.335, 273.338, 273.340, 273.342, 273.344, 273.346, 273.348, 273.350, 273.354 and 273.357, RSMo 1994, and section 273.352, RSMo Supp. 1997, relating to animal and avian welfare, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions.

SB 811-By Flotron and Lybyer.

An Act to repeal sections 166.200, 166.201, 166.203, 166.207, 166.215, 166.218, 166.220, 166.225, 166.228, 166.231,

166.233, 166.237 and 166.242, RSMo 1994, and section 166.205, RSMo Supp. 1997, relating to higher education financing, and to enact in lieu thereof thirteen new sections relating to the same subject.

SB 812-By Flotron.

An Act to repeal section 160.518, RSMo 1994, relating to the waiver of regulation of certain school districts, and to enact in lieu thereof one new section relating to the same subject.

SB 813-By Flotron.

An Act to repeal sections 305.230 and 305.300, RSMo 1994, section 144.805, RSMo Supp. 1997, and section 17 as enacted by conference committee substitute for house committee substitute for senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly, relating to aviation, and to enact in lieu thereof three new sections relating to the same subject.

SB 814-By Kinder.

An Act to amend chapter 130, RSMo, by adding thereto one new section relating to the use of labor organization dues, with penalty provisions.

SB 815-By Wiggins.

An Act to repeal sections 313.005, 313.025, 313.030, 313.035, 313.045, 313.050, 313.052, 313.070, 313.075 and 313.080, RSMo 1994, and sections 313.010, 313.015, 313.020, 313.040, 313.055, 313.057 and 313.065, RSMo Supp. 1997, relating to bingo, and to enact in lieu thereof twenty new sections relating to the same subject, with penalty provisions.

SB 816-By Goode.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to personal property taxation.

SB 817-By Goode.

An Act to repeal section 137.115, RSMo 1994, relating to personal property taxation, and to enact in lieu thereof one new section relating to the same subject.

SB 818-By Goode and Childers.

An Act to repeal sections 447.503, 447.505, 447.510, 447.530, 447.533, 447.539, 447.543, 447.558, 447.559, 447.560, 447.565, 447.571, 447.572 and 447.577, RSMo 1994, relating to the disposition of unclaimed property, and to enact in lieu thereof fourteen new sections relating to the same subject.

SB 819-By Caskey.

An Act to repeal section 56.067, RSMo 1994, and sections 50.333, 56.066 and 56.265, RSMo Supp. 1997, relating to county prosecuting attorneys, and to enact in lieu thereof four new sections relating to the same subject, with an effective date.

SB 820-By Ehlmann.

An Act to repeal section 67.1000, as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bill no. 3 of the second extraordinary session of the eighty-ninth general assembly, relating to local tourism taxes of municipalities and other political subdivisions, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 821-By Schneider.

An Act to repeal section 135.030, RSMo 1994, and section 135.010, RSMo Supp. 1997, relating to circuit breaker tax relief, and to enact in lieu thereof two new sections relating to the same subject.

SJR 29-By Goode.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the constitution of Missouri relating to property exempt from taxation, and adopting one new section in lieu thereof relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Vetta Sanders Thompson, as a member of the State Committee of Psychologists;

Also,

William C. Wilson, as a member of the Committee for Professional Counselors;

Also,

Cleatus S. Stanfill, Franklin D. Nickel and George E. Walley, Jr., as members of the Mississippi River Parkway Commission;

Also;

Elizabeth K. Grove, as a member of the Safe Drinking Water Commission;

Also,

Max T. Aldrich, as a member of the State Board of Optometry;

Also,

Kimberly J. McEnulty, Loretto A. Durham, Lori L. Knabe, Debbie M. Ulinski and Sandy S. Drummond, as members of the Missouri State Committee of Interpreters;

Also,

Betty L. Kramer, as a member of the State Committee of Interpreters;

Also,

E. Joanne Mermelstein, Paul A. Sundet and Jinny Gender, as members of the State Committee for Social Workers;

Also,

Lori Renee Darr, as a member of the Organ Donation Advisory Committee;

Also,

Susie Cunningham-Shaw and Christina J. Fritsch, as members of the State Board of Embalmers and Funeral Directors;

Also,

Alverne B. Fiddmont-Hood, as a member of the Advisory Commission for Professional Physical Therapists;

Also,

Margretta Forrester, as a member of the Community Service Commission;

Also,

Eldon D. Harris, as a member of the Missouri Agriculture and Small Business Development Authority;

Also,

Robert T. Jackson, as a member of the Board of Trustees for the Petroleum Storage Tank Insurance Fund;

Also,

Mamie H. Rodgers, as a member of the Unmarked Human Burial Consultation Committee;

Also,

Ollie W. Gates, as a member of the State Highway and Transportation Commission;

Also,

Donna L. Urban and Mary Hass Sheid, as members of the Advisory Commission for Professional Physical Therapists.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

REFERRALS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 31--Rules, Joint Rules and Resolutions.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 1011, regarding Dr. Irving Pressley McPhail, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, Mack Ellington, Chesterfield; and John Herron, St. Peters.

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Monday, January 26, 1998.

Journal of the Senate

SECOND REGULAR SESSION

ELEVENTH DAY--MONDAY, JANUARY 26, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we praise You for friends who stand by us in difficult times, for family members who love us no matter what we do, and for all who treat us with respect and friendliness. Help us to be worthy of their support and trust. Help us to so live that trust and respect are deserved. We pray that You will be with Senator DePasco and his family. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 22, 1998, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			
Absent with leave--Senators			
Clay	Curls	DePasco	Johnson
Scott--5			

RESOLUTIONS

Senator Lybyer offered Senate Resolution No. 1012, regarding Kelli and Dave Downey, Fulton, which was adopted.

Senators Schneider and Sims offered Senate Resolution No. 1013, regarding David Michael Riedisser, which was adopted.

Senator Schneider offered Senate Resolution No. 1014, regarding Rosemarie and Elmer Grenawalt, which was adopted.

Senator Caskey offered Senate Resolution No. 1015, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lloyd Karl McDonnell, Archie, which was adopted.

Senator Mueller offered Senate Resolution No. 1016, regarding Francis Scheidegger, Kirkwood, which was adopted.

Senator Schneider offered Senate Resolution No. 1017, regarding Ryan Scott King, which was adopted.

Senator Kenney offered Senate Resolution No. 1018, regarding Matt Shomin, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1019, regarding Benjamin J. Meyer, Blue Springs, which was adopted.

Senator Wiggins, joined by the entire membership of the Senate, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1020

WHEREAS, it is with heavy hearts that the members of the Missouri Senate pause to recognize the life and lifetime achievements of Nick DePasco, Jr., a remarkable man who passed to his eternal reward on January 24, 1998; and

WHEREAS, a lifelong resident of the Kansas City area, Nick DePasco came into the world on September 30, 1907, as the pride and joy of his devoted parents, Nick and Kathryn Marra DePasco; and

WHEREAS, Nick DePasco distinguished himself as an active member of amateur athletics on many local softball and basketball teams; received his education at Manuel High School and Rockhurst College, where he was well-known for his enthusiastic efforts on the varsity basketball team; and

WHEREAS, Nick DePasco served as a co-owner of DePasco's Tavern in Kansas City and as a material engineer for thirty years with the Missouri Highway Department until his retirement; and

WHEREAS, Nick DePasco actively participated in Northeast Missouri politics, earned distinction as treasurer of the Allied Democratic Association, and was known, admired, and respected throughout his community for his steadfast commitment and unwavering support of many elections, where he worked for his son, Missouri State Senator Ronnie DePasco, and son-in-law, Bob Daffer; and

WHEREAS, Nick DePasco leaves behind his beloved wife of fifty-nine years, Mildred; his children and their spouses, Linda and Jim Hess, Ronnie and Martha DePasco, and Marilyn and Bob Daffer; his nine grandchildren, Sean, Brian, Chris, Carrie, Kelly, Kacie, Holli, Jami, and Traci; seven great-grandchildren; one brother, Al DePasco; and one sister, Josephine Brown; and

WHEREAS, a loving husband, proud father, and wonderful grandfather, Nick DePasco will be sadly missed by those who had the distinct pleasure of knowing and loving him:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, unanimously join in paying final tribute to Nick DePasco and in expressing our most sincere sympathy to his loved ones upon their tremendous personal loss; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the family of the late Nick DePasco.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 31**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 31, Page 91 of the Senate Journal, Column 2, Line 12, by inserting immediately before the word "members" the word "elected"; and further amend line 13, by inserting immediately before the word "members" the word "elected".

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 22, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Timothy P. Arbeiter, 1432 Big Bend Road, Cape Girardeau, Cape Girardeau County, Missouri 63701, as Student Representative of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2000, and until his successor is duly appointed and qualified; vice, Christie L. Johnson, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 22, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karen M. Barmann, Rural Route 4 Box 207, Maryville, Nodaway County, Missouri 64468, as Student Representative of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2000, and until her successor is duly appointed and qualified; vice; Marisa B. Sanchez, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 22, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kerri C. Clark, 702 Randolph, St. Joseph, Buchanan County, Missouri 64505, as Student Representative of the Missouri Western State College Board of Regents, for a term ending January 1, 2000, and until her successor is duly appointed and qualified; vice, Kwanza W. Humphrey, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 22, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Larry Craig Halsey, 107 SW 625, Warrensburg, Johnson County, Missouri 64093, as Student Representative of the Southwest Missouri State University Board of Governors, for a term ending January 1, 2000, and until his successor is duly appointed and qualified; vice, Elizabeth A. Fleming, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 22, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Christin K. Mathis, 2616 W. Morgan Heights, Carthage, Jasper County, Missouri 64836, as Student Representative of the Missouri Southern State College Board of Regents, for a term ending January 1, 2000, and until her successor is duly appointed and qualified; vice, Julie Chapman, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 22, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Andre' L. May, 5427 N. Kingshighway Boulevard, St. Louis City, Missouri 63115, as Student Representative of the Harris-Stowe State College Board of Regents, for a term ending January 1, 2000, and until his successor is duly appointed and qualified; vice, Geniece Rush, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 22, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jessica M. Neighbors, 1108 East Illinois, Kirksville, Adair County, Missouri 63501, as Student Representative of the Truman State University Board of Governors, for a term ending January 1, 2000, and until her successor is duly appointed and qualified; vice, Matthew L. Braun, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 22, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Renzi R. Russell, 113 Klebba Drive, Linn, Osage County, Missouri 65051, as Student Representative of the Linn State Technical College Board of Regents, for a term ending January 1, 2000, and until her successor is duly appointed and qualified; vice, Yolanda Watkins, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 22, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Darren La'Daire Smith, 3540 East 63rd Street, Kansas City, Jackson County, Missouri 64130, as Student Representative of the Lincoln University

Board of Curators, for a term ending January 1, 2000, and until his successor is duly appointed and qualified; vice, Richard T. Washington, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 22, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stacy M. Tucker, Rural Route 241B, Waverly, Lafayette County, Missouri 64096, as Student Representative of the Central Missouri State University Board of Regents, for a term ending January 1, 2000, and until her successor is duly appointed and qualified; vice, Joey Lyn Coleman, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 22, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sara Welch, 536 N. Mosley Road, St. Louis, St. Louis County, Missouri 63141, as Student Representative of the University of Missouri Board of Curators, for a term ending January 1, 2000, and until her successor is duly appointed and qualified; vice, Troy L. Nash, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 23, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Terry E. Carlisle, 10294 David Allen Road, Columbia, Boone County, Missouri 65201, as a member of the Advisory Commission for Registered Physician Assistants, for a term ending March 27, 1998, and until his successor is duly appointed and qualified; vice, C. Drew Morton, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 23, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Rosemary G. Hogan, Democrat, 2609 Chapel Wood Terrace, Columbia, Boone County, Missouri 65203, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2000, and until her successor is duly appointed and qualified; vice, Debbie Dorshorst, withdrawn.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 23, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

David J. Lackey, 15801 South Clinkenbeard Road, Ashland, Boone County, Missouri 65010, as a member of the Missouri Board of Occupational Therapy, for a term ending January 23, 2000, and until his successor is duly appointed and qualified; vice, RSMo 324.063.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 23, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Fred A. "Tommy" Thomson, 4625 North Agnes, Kansas City, Clay County, Missouri 64117, as a member of the Kansas City Area Transportation Authority, for a term ending October 13, 1998, and

until his successor is duly appointed and qualified; vice, Dr. William Duensing, Sr., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

TWELFTH DAY--TUESDAY, JANUARY 27, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, Will Rogers said he never met a man he didn't like. We often wonder if he ever met the people we have to deal with. Could he like those who disagree with us, who are of a different color, who are of a different religion or political party, who speak against our bills, who ask difficult questions of us or who stand in the way of our success? Lord, help us to love our neighbor whoever he is and no matter what he does. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Quick announced that the Senate Communications Office had been given permission to video in the Senate Chamber today and that the Associated Press had been given permission to take pictures.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33	Absent with leave--Senator DePasco--1		

RESOLUTIONS

Senator McKenna offered Senate Resolution No. 1021, regarding Ginger Taylor, Imperial, which was adopted.

Senator Quick offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1022

WHEREAS, it is with great pride and sincere admiration that the members of the Missouri Senate suspend the work of creating laws in order to recognize the One Hundred Fiftieth Birthday Anniversary of the Associated Press, truly a momentous milestone in the unparalleled legacy of this most respected news organization; and

WHEREAS, founded in 1848 by representatives of six New York newspapers, the Associated Press was initially created to pool efforts for collecting news from ships arriving from Europe at their first port of call in Halifax, Nova Scotia, and for offsetting the cost of transmitting the information to New York by telegraph; and

WHEREAS, the Associated Press has enjoyed a long and rich history of delivering news to the people through increasingly-complicated technological means, an evolution witnessed by millions of Americans as the company employed the use of the telegraph, the wireless telegraph, the teletype machine, the computer, and the Internet; and

WHEREAS, the Associated Press has been responsible for informing Americans about the assassination of President Lincoln, for transmitting a play-by-play from the 1916 World Series, for carrying timely news accounts regarding our soldiers at war, and for creating a continuously updated online news service on the Internet called The WIRE; and

WHEREAS, president of the Associated Press since 1985, Louis D. Boccardi recently described AP's mission in 1848 as "getting the news right and telling it fairly and fully", a mission which endures today with a responsibility heavier than ever now that news flashes around the globe at the rate of 9,000 words per minute; and

WHEREAS, workers at the Associated Press have time and time again brought pride to their employer as evidenced by winning the coveted Pulitzer Prize forty-three times, eighteen for writing and twenty-five for pictures; and

WHEREAS, the Associated Press is now composed of 237 bureaus (144 in the United States and 93 in 71 other countries) and 3,500 editorial, communications, and administrative employees worldwide who transmit an average of 20 million words and 1,000 photos on a typical day to 1,700 U.S. daily and weekly newspapers, 6,000 U.S. radio and television stations, and 8,500 international subscribers, all the while 210 international broadcasters are receiving APTV, AP's global video news service, or SNTV, a sports joint venture video service:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, unanimously join in congratulating the Associated Press on the occasion of this historic Sesquicentennial celebration and in wishing this tremendous news organization continued success in the next century and beyond; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Associated Press.

Senator Yeckel offered Senate Resolution No. 1023, regarding Captain Frederick Thomas Crawford, St. Louis County Police Department, which was adopted.

Senator Yeckel offered Senate Resolution No. 1024, regarding Captain Dennis Anthony George, St. Louis County Police Department, which was adopted.

CONCURRENT RESOLUTIONS

Senator Schneider moved that **SCR 31**, with **SCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

SCA 1 was taken up.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Schneider, **SCR 31**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Childers	Ehlmann
Flotron	Goode	Graves	Howard
Jacob	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Mueller
Quick	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--25

Caskey

House

Curls

NAYS--Senators

Clay

Absent--Senators

Lybyer--2

Absent with leave--Senators

DePasco

Johnson--3

Rohrbach

Scott--4

The President declared the concurrent resolution passed.

On motion of Senator Schneider, title to the concurrent resolution was agreed to.

Senator Schneider moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 822-By McKenna and Goode.

An Act to repeal sections 643.310, 643.315, 643.320 and 643.350, RSMo 1994, and section 307.366, RSMo Supp. 1997, relating to motor vehicle emissions inspections, and to enact in lieu thereof five new sections relating to the same subject.

SB 823-By Goode.

An Act to repeal sections 256.600, 256.603, 256.605, 256.606, 256.607, 256.611, 256.613, 256.614, 256.615, 256.617, 256.620, 256.623, 256.626, 256.628 and 256.630, RSMo 1994, and sections 256.616, 256.635, 256.637 and 256.640, RSMo Supp. 1997, relating to water wells, and to enact in lieu thereof twenty new sections relating to the same subject.

SB 824-By Russell.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for sponsorship and mentoring programs for at-risk pupils.

SB 825-By Maxwell.

An Act to amend chapter 324, RSMo, by adding thereto fourteen new sections relating to regulation and registration of interior designers, with penalty provisions.

SB 826-By Jacob.

An Act relating to the regulation and licensing of professional addictions counselors, with penalty provisions.

SB 827-By Mathewson.

An Act to repeal section 135.110, RSMo Supp. 1997, relating to tax credits for economic development purposes, and to enact in lieu thereof one new section relating to the same subject.

SB 828-By Mathewson.

An Act to repeal section 33.564, RSMo 1994, relating to the international trade show revolving fund, and to enact in lieu thereof one new section relating to the same subject.

SB 829-By Mathewson.

An Act to repeal section 100.255, as enacted by conference committee substitute for house committee substitute for senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly, relating to the definition of a development agency, and to enact in lieu thereof one new section relating to the same subject.

SB 830-By Mathewson.

An Act to repeal section 137.115, RSMo 1994, relating to the assessment of personal property, and to enact in lieu thereof two new sections relating to the same subject.

SB 831-By Mathewson.

An Act to repeal sections 447.700, 447.702, 447.704, 447.706 and 447.708, RSMo Supp. 1997, relating to tax credits for economic development purposes, and to enact in lieu thereof five new sections relating to the same subject.

SB 832-By Mathewson.

An Act to repeal section 350.015, RSMo 1994, relating to farm corporations, and to enact in lieu thereof one new section relating to the same subject.

SB 833-By Scott, Clay, McKenna, Schneider, Flotron, Rohrbach and DePasco.

An Act to repeal section 370.080, RSMo 1994, relating to credit unions, and to enact in lieu thereof one new section relating to the same subject.

SB 834-By Rohrbach.

An Act to repeal section 536.016, RSMo Supp. 1997, relating to administrative rules, and to enact in lieu thereof one new section relating to the same subject.

SB 835-By Johnson.

An Act to repeal sections 323.020 and 323.060, RSMo 1994, relating to liquefied petroleum gases, and to enact in lieu thereof two new sections relating to the same subject.

SB 836-By Ehlmann.

An Act to amend chapter 194, RSMo, by adding thereto five new sections relating to organized funeral processions, with a penalty provision.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 750--Commerce and Environment.

SB 751--Local Government and Economic Development.

SB 752--Local Government and Economic Development.

SB 753--Civil and Criminal Jurisprudence.

SB 754--Public Health and Welfare.

SB 755--Aging, Families and Mental Health.

SB756--Financial and Governmental Organization.

SB 757--Insurance and Housing.

SB 758--Judiciary.

SB 759--Judiciary.

SB 760--Public Health and Welfare.

SB 761--Elections, Pensions and Veterans' Affairs.

SB 762--Insurance and Housing.

SB 763--Commerce and Environment.

SB 764--Local Government and Economic Development.

SB 765--Corrections and General Laws.

SB 766--Civil and Criminal Jurisprudence.

SB 767--Elections, Pensions and Veterans' Affairs.

SB 768--Insurance and Housing.

SB 769--Judiciary.

SB 770--Aging, Families and Mental Health.

SB 771--Aging, Families and Mental Health.

SB 772--Ethics.

SB 773--Aging, Families and Mental Health.

SB 774--Corrections and General Laws.

SB 775--Transportation.

SB 776--Ways and Means.

SB 777--Labor and Industrial Relations.

SB 778--Local Government and Economic Development.

SB 779--Elections, Pensions and Veterans' Affairs.

SB 780--Education.

SB 781--Education.

SB 782--Aging, Families and Mental Health.

SB 783--Civil and Criminal Jurisprudence.

SB 784--Public Health and Welfare.

SB 785--Insurance and Housing.

SB 786--Public Health and Welfare.

SB 787--Local Government and Economic Development.

SB 788--Judiciary.

SB 789--Education.

SB 790--Public Health and Welfare.

SB 791--Ways and Means.

SB 792--Corrections and General Laws.

SB 793--Aging, Families and Mental Health.

SB794--Financial and Governmental Organization.

SB795--Financial and Governmental Organization.

SB796--Financial and Governmental Organization.

SB 797--Judiciary.

SB 798--Corrections and General Laws.

SB 799--Elections, Pensions and Veterans' Affairs.

SB 800--Insurance and Housing.

SB 801--Civil and Criminal Jurisprudence.

SB 802--Agriculture, Conservation, Parks and Tourism.

SB 803--Civil and Criminal Jurisprudence.

SB 804--Local Government and Economic Development.

SB 805--Local Government and Economic Development.

SB 806--Civil and Criminal Jurisprudence.

SB807--Financial and Governmental Organization.

SB 808--Appropriations.

SB 809--Local Government and Economic Development.

SB 821--Corrections and General Laws.

SJR 27--Judiciary.

SJR 28--Education.

SJR 29--Ways and Means.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1025, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clarence Byron Bailey, Warrensburg, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Staples introduced to the Senate, former State Representative Bob Ward, Desloge.

Senator Klarich introduced to the Senate, John Odum, Allenton; Greg Brown, Eureka; and Jim Silvernail.

Senator Clay introduced to the Senate, Robert Archibald, St. Louis.

Senator Quick introduced to the Senate, Dr. Lee and Mike Morlin, Clay County.

Senator Maxwell introduced to the Senate, Crystal Lyda and Nikki Selzer, Macon; and Nikki was made an honorary page.

Senator Singleton introduced to the Senate, Adolfo and Joseph Castillo, Joplin; and Thomas Chapman, Houston.

Senator Howard introduced to the Senate, Mary Libla and Joyce Thorn, Poplar Bluff.

Senator Yeckel introduced to the Senate, Deborah Kersting, St. Louis County.

Senator McKenna introduced to the Senate, his brother Don McKenna, his sister-in-law, Kim, and their daughters Ginny, Becky and Maggie, Kirkwood; and Ginny, Becky and Maggie were made honorary pages.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

THIRTEENTH DAY--WEDNESDAY, JANUARY 28, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, Mark Twain said, "One man's comma is another man's colon." We don't all see things alike. We are not interested in the same things. We don't have the same standards. We don't have the same religious beliefs. Lord, can we be faithful to You without agreeing with one another? Lord, help us to be faithful to what we believe without being unfaithful or unloving to our brother who believes something different. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator DePasco--1

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 1026, regarding Doris J. Bratten, Jefferson City, which was adopted.

Senator Quick offered Senate Resolution No. 1027, regarding David Becker, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 1028, regarding Russell J. Shankland, Gladstone, which was adopted.

Senator Quick offered Senate Resolution No. 1029, regarding Steven M. Boman, Kansas City, which was adopted.

Senator Childers offered Senate Resolution No. 1030, regarding Nick Weeks, Kimberling City, which was adopted.

Senator Childers offered Senate Resolution No. 1031, regarding Kristopher Andrus, Kimberling City, which was adopted.

Senator Childers offered Senate Resolution No. 1032, regarding Nate Huber, Kimberling City, which was adopted.

Senator Childers offered Senate Resolution No. 1033, regarding Michael Linegar, Kimberling City, which was adopted.

Senator Kenney offered Senate Resolution No. 1034, regarding Jason Patrick Tisdale, Blue Springs, which was adopted.

Senator Wiggins offered Senate Resolution No. 1035, regarding Rob Evans, which was adopted.

Senator Staples offered Senate Resolution No. 1036, regarding Carlon M. O'Malley, Lackawanna County, Pennsylvania, which was adopted.

SENATE BILLS FOR PERFECTION

SB 477, with **SCS**, was placed on the Informal Calendar.

Senator Johnson moved that **SB 501**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 501**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 501

An Act to repeal sections 169.070, 169.075 and 169.670, RSMo Supp. 1997, relating to public school retirement systems, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Johnson moved that **SCS** for **SB 501** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **SB 501** was declared perfected and ordered printed.

Senator Caskey moved that **SB 477**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 477**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 477

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to wild game donations.

Was taken up.

Senator Caskey moved that **SCS** for **SB 477** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 477** was declared perfected and ordered printed.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 837-By Jacob.

An Act to amend chapter 644, RSMo, relating to the authorization of additional state bonds by adding thereto one new section relating to the same subject.

SB 838-By Sims.

An Act to amend chapter 300, RSMo, by adding thereto one new section relating to local traffic ordinances.

SB 839-By Howard and Clay.

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to notification of unemployment benefit eligibility by certain employers.

SB 840-By Howard.

An Act to repeal section 275.350, RSMo 1994, relating to funds in the commodity merchandising program, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 841-By Caskey.

An Act to repeal section 50.1110, RSMo Supp. 1997, relating to certain county retirement systems, and to enact in lieu thereof one new section relating to the same subject.

SB 842-By Caskey.

An Act to repeal section 217.360, RSMo Supp. 1997, relating to offenses committed on the premises of correctional centers, and to enact in lieu thereof one new section relating to the same subject.

SB 843-By House.

An Act to repeal sections 161.092, 161.097, 168.011, 168.015, 168.021, 168.071, 168.081, 168.400 and 168.405, RSMo 1994, and sections 168.500 and 168.510, RSMo Supp. 1997, relating to the standards and practices of educational personnel of the public schools, and to enact in lieu thereof twenty-four new sections relating to the same subject, with penalty provisions.

SB 844-By Klarich.

An Act to repeal sections 347.030, 347.153, 351.375 and 359.041, RSMo 1994, and section 358.470, RSMo Supp. 1997, relating to registration of certain business entities, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

SJR 30-By Schneider.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to the Missouri Citizens Commission on the Compensation for Elected Officials, and adopting one new section in lieu thereof relating to the same subject.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 27, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Stacy M. Tucker for the Central Missouri State University Board of Governors, submitted to you on January 22, 1998. Lines 1 and 3 should be amended to read:

Stacy M. Tucker, 6510 E. 125th Street, Apartment 4, Grandview, Jackson County, Missouri 64030, as Student Representative of the Central Missouri State University Board of Governors

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 27, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Sarah Welch for the University of Missouri Board of Curators, submitted to you on January 22, 1998. Line 1 should be amended to read:

Sarah Welch, 536 N. Mosley Road, St. Louis, St. Louis County,

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above addendums to the Committee on Gubernatorial Appointments.

INTRODUCTIONS OF GUESTS

Senator Sims introduced to the Senate, Sarah and Joseph Welch and Helen and Bill Reed, St. Louis.

Senator Bentley introduced to the Senate, William and Chris Ross and Logan and Joan Whitaker, Springfield.

Senator Staples introduced to the Senate, Pete Baumann and Ronnie Immon, St. Genevieve.

Senator Lybyer introduced to the Senate, Debbie Rakes, and Webelo Scouts, Pack 429, Bourbon; and Justin Bay, Marcus Bremer, Damon King, Mark McCaffrey, Robert Rakes, Bryan Skaggs, Dwayne Smith and Ryan Bosse were made honorary pages.

Senator Caskey introduced to the Senate, his brother, Robert Caskey, and Lee Hoover, Windsor.

Senator Kinder introduced to the Senate, Derek and Janie Wheeler, Sikeston.

Senator House introduced to the Senate, the Physician of the Day, Dr. George Workman, Hermann.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FOURTEENTH DAY--THURSDAY, JANUARY 29, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Dear Lord, we give thanks not just for friends, but for the privilege of being a friend. We give thanks, not just for the jobs others do, but for the job we can do. We give thanks not just for the trust people have in us, but for the trust we can have in others. Jesus taught us to do unto others as we would have them do unto us. Help us to live by that principle. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Quick announced that photographers from the Senate Communications Office had been given permission to video in the Senate Chamber today.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Howard offered Senate Resolution No. 1037, regarding Jacque S. and Wayne Burch, which was adopted.

Senator Howard offered Senate Resolution No. 1038, regarding James T. McCrate, Portageville, which was adopted.

Senator Howard offered Senate Resolution No. 1039, regarding Patty Moore, Portageville, which was adopted.

Senator Maxwell offered Senate Resolution No. 1040, regarding Command Sergeant Major Edson Tyree Griggs, which

was adopted.

Senator Howard offered Senate Resolution No. 1041, regarding Myra Rone, Portageville, which was adopted.

Senator Howard offered Senate Resolution No. 1042, regarding Dr. David Boyd, Portageville, which was adopted.

Senator Mueller offered Senate Resolution No. 1043, regarding the Honorable Robert O. Snyder, Kirkwood, which was adopted.

Senator Schneider offered the following resolution:

NOTICE OF PROPOSED RULE CHANGE

One day's notice is hereby given in accordance with Rule 97 of the Rules of the Missouri Senate that: the Senator from the 14th district shall move the adoption of the following change to Rule 102 adopted by the Senate of the 89th General Assembly; to wit:

SENATE RESOLUTION NO.1044

BE IT RESOLVED that Rule 102 of the rules adopted by the Senate of the 89th General Assembly, Second Regular Session, be amended as follows:

"Rule 102. A member of the Senate may accept meals, food, beverage or other gifts from a legislative lobbyist or the lobbyist's principal as defined in section 105.470.1(3)(a), RSMo, if any single item accepted has a value of less than fifty dollars, and all items accepted by any member in any calendar year from a lobbyist or lobbyist principal, as defined in section 105.470.1(3)(a), do not exceed a value of one hundred dollars in the aggregate.

This rule shall not apply to:

- (1) The participation of members in activities authorized in Section 105.470.4(2)(c), RSMo, **or in caucuses approved by the Senate Ethics Committee**, regardless of the aggregate value;
- (2) The participation in seminars or meetings of national or regional associations when such participation and activities have been requested in writing and approved in advance by the Committee on Administration;
- (3) The acceptance of meals, food or beverage or other gifts to be used for charitable purposes, as defined by law, and which are not consumed or used for the personal benefit of the member; or
- (4) A member is within the second degree of consanguinity or affinity of the lobbyist with regard to any gift provided to the member by such lobbyist.

The provisions of this rule may be satisfied by reimbursing said lobbyist or lobbyist principal within thirty days of obtaining actual knowledge that reimbursement is necessary to meet the requirements of this rule."

Senator Graves offered Senate Resolution No. 1045, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. J. P. McKenzie, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 1046, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Francis Pauley, Newtown, which was adopted.

Senator Graves offered Senate Resolution No. 1047, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Cleon Renshaw, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 1048, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Max "Jiggs" Lykins, which was adopted.

Senator Graves offered Senate Resolution No. 1049, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gene Wood, Laredo, which was adopted.

Senator Graves offered Senate Resolution No. 1050, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Buddy Partridge, which was adopted.

Senator Graves offered Senate Resolution No. 1051, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Slaten, Clearmont, which was adopted.

Senator Graves offered Senate Resolution No. 1052, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leo Whitaker, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1053, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. H. Dale Lowrey, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1054, regarding the Fortieth Wedding Anniversary of Dr. and Mrs. Ed Farquhar, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1055, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Wilson, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 1056, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harley Lamb, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1057, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bernie Hines, Milan, which was adopted.

Senator Graves offered Senate Resolution No. 1058, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Herbert Harris, Jamesport, which was adopted.

Senator Graves offered Senate Resolution No. 1059, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Dale Kelley, Graham, which was adopted.

Senator Graves offered Senate Resolution No. 1060, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Hitchcock, Skidmore, which was adopted.

Senator Graves offered Senate Resolution No. 1061, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Swartz, Winston, which was adopted.

Senator Graves offered Senate Resolution No. 1062, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Robert Barmann, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1063, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Hilen Jasper, Ravenwood, which was adopted.

Senator Graves offered Senate Resolution No. 1064, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. David Taylor, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 1065, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Elmo Keller, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 1066, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. George Kunkel, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1067, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Noel Andler, which was adopted.

Senator Klarich offered Senate Resolution No. 1068, regarding the Sullivan Area Chamber of Commerce, which was adopted.

Senator Klarich offered Senate Resolution No. 1069, regarding George E. Bocklage, Washington, which was adopted.

Senator Schneider offered Senate Resolution No. 1070, regarding the Eighty-seventh Birthday of Elizabeth Catherine Stiens, Jennings, which was adopted.

Senator Schneider offered Senate Resolution No. 1071, regarding the One Hundred Second Birthday of Mary Barry, which was adopted.

Senator Schneider offered Senate Resolution No. 1072, regarding the One Hundred Fourth Birthday of Mildred C. Graham, Florissant, which was adopted.

CONCURRENT RESOLUTIONS

Senator Johnson moved that **HCR 3** be taken up for adoption, which motion prevailed.

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

Senator Johnson moved that **HCR 3** be adopted.

At the request of Senator Johnson, the motion to adopt **HCR 3** was withdrawn.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 845-By Scott and Banks.

An Act to repeal section 84.160, RSMo Supp. 1997, relating to the police force in certain cities, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 846-By Scott.

An Act to repeal section 339.505, RSMo 1994, relating to real estate appraisers, and to enact in lieu thereof two new sections relating to the same subject.

SB 847-By Scott.

An Act to repeal sections 339.503, 339.511, 339.515, 339.517, 339.519, 339.523, 339.529, 339.530, 339.532 and 339.545, RSMo 1994, relating to real estate appraisers, and to enact in lieu thereof twelve new sections relating to the same subject.

SB 848-By Mueller.

An Act to repeal section 644.032, RSMo Supp. 1997, relating to local parks, and to enact in lieu thereof one new section relating to the same subject.

SB 849-By Caskey.

An Act to amend chapter 137, RSMo, by adding thereto eleven new sections relating to ad valorem taxation of freight line companies, with penalty provisions.

SB 850-By Kenney.

An Act to amend chapter 182, RSMo, by adding thereto one new section relating to public library access to pornography over the Internet.

Senator Jacob assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which were referred **SB 472** and **SB 601**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 475**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 589**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 518**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 473**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 473, Page 2, Section 84.510, Lines 24-27, by striking all of said lines and inserting in lieu thereof the following:

"[(5) Detectives at not less than twenty-five thousand twenty dollars, nor more than forty-eight thousand four hundred ninety-one dollars per annum each;

(6)] **(5) Detectives and** police officers at not less than [twenty-two thousand six hundred".

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 619**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 619, Page 6, Section 142.800, Line 99, by striking "Materials ("A.S.T.M.")" and inserting in lieu thereof the following: "**and Materials (ASTM)**"; and

Further amend said bill and section, page 7, line 153, by inserting after "Fahrenheit and" the word "**at**"; and

Further amend said bill and section, page 8, line 164, by inserting after "inch" the word "**absolute**"; and

Further amend said bill, page 10, section 142.803, line 10, by striking "motor fuel" and inserting in lieu thereof the following: "**gasoline**"; and

Further amend said bill, page 14, section 142.815, line 75, by inserting immediately after "equipment" the following: ", **or if the motor fuel was placed in a separate fuel tank and used only for the operation of auxiliary equipment**"; and

Further amend said bill, page 17, section 142.821, line 37, by striking the word "each"; and

Further amend said bill, page 33, section 142.881, line 6, by inserting after "principal" the word: "**obligor**"; and further on said line by striking the word "obliged" and inserting in lieu thereof the word "**obligee**"; and

Further amend said bill, page 41, section 144.905, line 33, by inserting after all of said line the following:

"8. All civil penalties imposed under this chapter, with any interest, shall be deposited to the credit of the motor fuel tax fund created in section 142.345."

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 619, Page 1, In the Title, Line 12, by striking "fifty-nine" and inserting in lieu thereof the following: "sixty-one"; and

Further amend said bill, page 2, section A, line 11, by striking "fifty-nine" and inserting in lieu thereof the following: "sixty-one"; and further on line 18 by striking "and 414.102" and inserting in lieu thereof the following: ", 414.102, 1 and 2"; and

Further amend said bill, page 52, section 155.080, line 26, by inserting immediately after said line the following:

"Section 1. 1. All increases in motor fuel tax revenues derived from the revised collection procedures in chapter 142, RSMo, which are put in place as of January 1, 1999, shall be placed in the highway infrastructure bank fund created in section 2 of this act.

2. The increase in motor fuel tax revenues shall be presumed to be twenty million dollars per year unless shown to be otherwise by competent and substantial evidence obtained by the office of administration.

Section 2. 1. For the purpose of assisting in the planning, acquisition, development and construction of highways in this state, there is hereby created in the state treasury a fund known as the "Highway Infrastructure Bank Fund". The fund shall receive all moneys designated under section 1 of this act, any other state moneys appropriated, any federal moneys designated and any other contributions, grants or bequests from private or other sources.

2. The highway infrastructure bank fund shall be administered by the state highways and transportation commission. The commission shall have the authority to do the following:

(1) Loan moneys in the fund to any political subdivision of the state or to any public or private nonprofit organization or entity for the planning, acquisition, development and construction of highways;

(2) Establish the procedures, conditions and repayment terms applicable by rule or regulation filed as required under chapter 536, RSMO; and

(3) Assess an application fee or other charges and interest.

3. Loaned funds and the accrued interest, if any, which are repaid to the commission shall be deposited in the state treasury to the credit of the highway infrastructure bank fund. The provisions of section 33.080, RSMo, shall not apply to the fund. All interest earned on the balance in the highway infrastructure bank fund shall be deposited in the same fund.

4. Separate accounts shall be established in the highway infrastructure fund to receive federal infrastructure bank moneys and to receive moneys under section 1 of this act. The moneys received into the fund pursuant to section 1 of this act may be used for any state highway project designated by the commission."

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SB 501** and **SCS** for **SB 477**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 499**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 525**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

T. Christopher Graham, as the Administrative Law Judge for the Division of Motor Carrier and Railroad Safety;

Also,

Kristine M. Moranville, George S. Reuter, Jr., Cynthia R. Ballentine and Judy M. Phillips as members and Karen M. Hamlet, as public member of the Missouri Board of Occupational Therapy;

Also,

Bobby J. Blue and Jerome E. Glick, as members of the Unmarked Human Burial Consultation Committee;

Also,

Randa Rawlins, as a member of the Truman State University Board of Governors;

Also,

Sara Welch, as Student Representative of the University of Missouri Board of Curators;

Also,

Susan DiTirro, as a member of the State Committee for Social Workers;

Also,

Harvey A. Harris, as a member of the Bi-State Development Agency;

Also,

Glenn E. Good, as a member of the State Committee of Psychologists;

Also,

Alisa J. Warren, as a member of the Personnel Advisory Board;

Also,

Letitia Thomas and Jana L. Finch, as members of the Missouri Planning Council for Developmental Disabilities;

Also,

Lisa Guillory-Parsons, as a member of the Board of Examiners for Hearing Instrument Specialists;

Also,

V. Dean Brethower, as a member of the State Board of Examiners for Hearing Instrument Specialists;

Also,

Susan B. Musgrave, as a member of the Mississippi River Parkway Commission;

Also,

Logan E. Whitaker, as a member of the Community Service Commission;

Also,

Charles D. Banks, as a member of the State Environmental Improvement and Energy Resources Authority;

Also,

Thomas J. Garnett, as a member of the Missouri Real Estate Appraisers Commission;

Also,

William F. Ross, III, as a member of the Missouri State Committee of Interpreters;

Also,

Lynn A. Harmon, as a member of the Missouri State Employees Voluntary Life Insurance Commission;

Also,

Harold D. Cleberg, as a member of the Missouri Family Trust Board of Trustees;

Also,

Frances I. Brothers, as a member of the Missouri Training and Employment Council;

Also,

John W. Greer, as the public member of the Missouri Higher Education Loan Authority;

Also,

Glen D. Wilson, as a member of the Missouri Southern State College Board of Regents;

Also,

John B. Heskett, Jr., as a member of the Missouri Head Injury Advisory Council.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

BILL REFERRALS

President Pro Tem McKenna referred **SCS** for **SB 501** to the Committee on State Budget Control.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 851--By Schneider.

An Act to repeal section 311.554, RSMo 1994, relating to taxation of certain Missouri products, and to enact in lieu thereof six new sections relating to the same subject.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 810--Agriculture, Conservation, Parks and Tourism.

SB 811--Appropriations.

SB 812--Education.

SB 813--Local Government and Economic Development.

SB 814--Labor and Industrial Relations.

SB 815--Corrections and General Laws.

SB 816--Ways and Means.

SB 817--Ways and Means.

SB 818--Ways and Means.

SB 819--Civil and Criminal Jurisprudence.

SB 820--Local Government and Economic Development.

SB 822--Commerce and Environment.

SB 823--Commerce and Environment.

SB 824--Ways and Means.

SB 825--Corrections and General Laws.

SB 826--Public Health and Welfare.

SB 827--Local Government and Economic Development.

SB 828--Local Government and Economic Development.

SB 829--Local Government and Economic Development.

SB 830--Local Government and Economic Development.

SB 831--Local Government and Economic Development.

SB 832--Agriculture, Conservation, Parks and Tourism.

SB 834--Judiciary.

SB 835--Commerce and Environment.

SB 836--Civil and Criminal Jurisprudence.

INTRODUCTIONS OF GUESTS

Senator Singleton introduced to the Senate, Rick Wimpey and Josh Conness, Goodman; and Josh was made an honorary page.

On behalf of Senator Jacob, the President introduced to the Senate, 50 fifth grade students from Grant Elementary, Columbia; and Brenna Cox, Lily Dawson, Sarah Magee, Joe Whitener and Adam Shaw were made honorary pages.

Senator Graves introduced to the Senate, the Physician of the Day, Dr. James D. Humphrey, M.D., Mound City.

Senator Jacob introduced to the Senate, Richard Gowdy, Ashland; and Richard was made an honorary page.

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Monday, February 2, 1998.

Journal of the Senate

SECOND REGULAR SESSION

FIFTEENTH DAY--MONDAY, FEBRUARY 2, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, the psalmist wrote, "He put a new song in my heart, a hymn of praise." Lord, we don't want our hymns of praise to be new, we don't want to always be finding fault with one another, we don't want to always be complaining and always be seeking for things for ourselves. We want our praise to be the usual. We want our thanksgiving to be an everyday occurrence and our thoughts of others to be of their virtues. Forgive our negative and judgmental attitudes. Help us to be positive and helpful to all. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Quick announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

A quorum being established, the Senate proceeded with its business.

Senator Quick moved that the Journal for Thursday, January 29, 1998, be corrected on page 123, column 1, line 36, by deleting the word "Sara" and inserting in lieu thereof the word "Sarah", which motion prevailed.

The Journal for Thursday, January 29, 1998, was read and approved, as corrected.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Curls offered Senate Resolution No. 1073, regarding the death of Annie Ruth Stewart, Pittsburg, Texas, which was adopted.

Senator Schneider offered Senate Resolution No. 1074, regarding Brian William Westbrook, St. Louis, which was adopted.

Senator Howard offered Senate Resolution No. 1075, regarding Friends of the Library, Dexter, which was adopted.

Senator Howard offered Senate Resolution No. 1076, regarding Weber's Ben Franklin Store, Dexter, which was adopted.

Senator Howard offered Senate Resolution No. 1077, regarding Donna West, Dexter, which was adopted.

Senator Howard offered Senate Resolution No. 1078, regarding Greg Mathis, Dexter, which was adopted.

Senator Graves offered Senate Resolution No. 1079, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Earl Baker, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1080, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. LeRoyce Derr, which was adopted.

Senator Graves offered Senate Resolution No. 1081, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clifton Ebersold, Union Star, which was adopted.

Senator Graves offered Senate Resolution No. 1082, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. A. Wayne Rinehart, Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 1083, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Garnard Lowe, Cainsville, which was adopted.

Senator Graves offered Senate Resolution No. 1084, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gordon McCullough, Princeton, which was adopted.

Senator Graves offered Senate Resolution No. 1085, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Ron Fugate, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 1086, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Clifford Gentry, Princeton which was adopted.

Senator Graves offered Senate Resolution No. 1087, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Raymond Morrison, Hopkins, which was adopted.

Senator Graves offered Senate Resolution No. 1088, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Pergande, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 1089, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Arnold Stanley, Bucklin, which was adopted.

Senator Graves offered Senate Resolution No. 1090, regarding the Thirty-fifth Wedding Anniversary of Mr. and Mrs. Kenneth Ireland, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1091, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Robert J. Smith, Purdin, which was adopted.

Senator Graves offered Senate Resolution No. 1092, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. J. C. Wrenn, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1093, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William Stroud, Laclede, which was adopted.

Senator Graves offered Senate Resolution No. 1094, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Carroll Surber, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1095, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Drummond, Clearmont, which was adopted.

Senator Graves offered Senate Resolution No. 1096, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Paul Delp, Oregon, which was adopted.

Senator Graves offered Senate Resolution No. 1097, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Harry Emrick, Fairfax, which was adopted.

Senator Graves offered Senate Resolution No. 1098, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Walter Condron, Dawn, which was adopted.

Senator Graves offered Senate Resolution No. 1099, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. W. J. Groom, Worth, which was adopted.

Senator Graves offered Senate Resolution No. 1100, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Hilen Jasper, Ravenwood, which was adopted.

Senator Graves offered Senate Resolution No. 1101, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Everett Rhoad, King City, which was adopted.

Senator Graves offered Senate Resolution No. 1102, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Ronald Hartell, Plattsburg, which was adopted.

Senator Graves offered Senate Resolution No. 1103, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dean Allen, Laclede, which was adopted.

Senator Graves offered Senate Resolution No. 1104, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Jones, Hamilton, which was adopted.

Senator Graves offered Senate Resolution No. 1105, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Galen Southard, Tarkio, which was adopted.

Senator Schneider offered Senate Resolution No. 1106, regarding Richard Anthony "Dick" Weber, Florissant, which was adopted.

Senator Graves offered Senate Resolution No. 1107, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert L. Elliot, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 1108, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Earl Kirkpatrick, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 1109, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Loris Roberts, King City, which was adopted.

Senator Graves offered Senate Resolution No. 1110, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Raymond Fadler, Marceline, which was adopted.

Senator Graves offered Senate Resolution No. 1111, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Deskins, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1112, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Alvin

Kilburn, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1113, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Billy D. Mazingo, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1114, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Joy L. Trimmer, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 1115, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Busby, Parnell, which was adopted.

Senator Graves offered Senate Resolution No. 1116, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Maurice Shipley, Galt, which was adopted.

Senator Graves offered Senate Resolution No. 1117, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lawrence Ewigman, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 1118, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Cleo Tillman, Gallatin, which was adopted.

Senator Graves offered Senate Resolution No. 1119, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Lyle Kirk, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1120, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim German, which was adopted.

Senator Graves offered Senate Resolution No. 1121, regarding the One Hundred Sixth Birthday of Marjorie Longnecker, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1122, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lloyd Miller, Stanberry, which was adopted.

Senator Graves offered Senate Resolution No. 1123, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Don Theis, Savannah, which was adopted.

Senator Graves offered Senate Resolution No. 1124, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Robert Stewart, Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 1125, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Kenneth Yardley, Green City, which was adopted.

Senator Graves offered Senate Resolution No. 1126, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Bill Krance, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1127, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Gerald "Ike" Ralston, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1128, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Frank Bryant, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1129, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. David Halliday, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 1130, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. William McCrea, King City, which was adopted.

Senator Graves offered Senate Resolution No. 1131, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Owen Davenport, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 1132, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Sam E. Owen, Jr., Maysville, which was adopted.

Senator Graves offered Senate Resolution No. 1133, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Carl Eisiminger, Graham, which was adopted.

Senator Graves offered Senate Resolution No. 1134, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. J. B. Maggart, Milan, which was adopted.

Senator Graves offered Senate Resolution No. 1135, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Audra Wright, Stewartsville, which was adopted.

Senator Graves offered Senate Resolution No. 1136, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Bill Shoemaker, Bucklin, which was adopted.

Senator Graves offered Senate Resolution No. 1137, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Raymond Earl Lightfoot, Hale, which was adopted.

Senator Graves offered Senate Resolution No. 1138, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Vaughn, Maysville, which was adopted.

Senator Graves offered Senate Resolution No. 1139, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Robert Hager, King City, which was adopted.

Senator Scott offered Senate Resolution No. 1140, regarding Raymond Albert Bluth, Crestwood, which was adopted.

Senator McKenna offered Senate Resolution No. 1141, regarding Tonda A. Breeze, Festus, which was adopted.

Senator Staples offered Senate Resolution No. 1142, regarding Stephen T. Kohl, Ste. Genevieve, which was adopted.

CONCURRENT RESOLUTIONS

Senator Johnson moved that the **HCR 3** be taken up for adoption, which motion prevailed.

On motion of Senator Johnson, **HCR 3** was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Ehlmann	Flotron	Goode	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Yeckel--26		

NAYS--Senators

Clay	DePasco	Mueller	Wiggins--4
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Absent--Senators

Curls	Graves	House	Schneider--4
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Absent with leave--Senators--None

Senator Wiggins assumed the Chair.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 852-By Quick.

An Act to repeal sections 30.270, 361.080, 362.044, 362.245, 362.250, 408.551 and 490.250, RSMo 1994, and sections 319.100, 319.131, 362.105, 362.413, 408.140, 427.125 and 473.543, RSMo Supp. 1997, and to enact in lieu thereof eighteen new sections relating to banking.

SB 853-By Howard.

An Act to repeal section 195.420, RSMo 1994, and sections 195.010, 195.017, 195.040, 195.060, 195.100, 195.400 and 195.410, RSMo Supp. 1997, relating to the regulation of controlled substances, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

SB 854-By Clay.

An Act to repeal sections 333.041, 333.042 and 333.051, RSMo 1994, relating to funeral directing, and to enact in lieu thereof three new sections relating to the same subject.

SB 855-By Sims, Johnson, Wiggins, Yeckel, Bentley, House, Clay, Maxwell and Rohrbach.

An Act to repeal section 197.315, RSMo 1994, relating to the development of skilled nursing and residential care facilities, and to enact in lieu thereof two new sections relating to the same subject.

SB 856-By McKenna.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to powers of certain first classification counties.

SB 857-By Jacob.

An Act to repeal section 143.161, RSMo 1994, relating to income taxation, and to enact in lieu thereof one new section relating to the same subject.

SB 858-By Lybyer, Howard, Staples, Westfall, Russell, Mathewson and Johnson.

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to telecommunications.

SB 859-By Yeckel.

An Act to repeal section 171.031, RSMo 1994, relating to school starting date, and to enact in lieu thereof one new section relating to the same subject.

SJR 31-By McKenna.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39 of article III of the Constitution of Missouri, relating to gaming and adopting two new sections in lieu thereof relating to the same subject.

RE-REFERRALS

President Pro Tem McKenna re-referred **SB 832** to the Committee on Local Government and Economic Development and **SB 835** to the Committee on Agriculture, Conservation, Parks and Tourism.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which were referred **SB 532**, **SB 806** and **SB 633**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 626**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 684**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 555**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 537**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 496**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 556**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 673**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 673, Page 2, Section 455.543, Line 14, by inserting after "domestic violence," as it appears the

first time the following: "**the chief local law enforcement officer or his designee shall complete an appropriate form**".

On behalf of Senator Wiggins, Chairman of the Committee on Ways and Means, Senator McKenna submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 535**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 479**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 550**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 580**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 597**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 653**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 653, Page 1, Section 70.210, Line 8, by striking the words "public water supply districts," and inserting in lieu thereof the following: "**not-for-profit cemetery association corporation**".

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 676**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 734**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 739**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 732**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 720**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 674**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following reports:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 579**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 551**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator House, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 658**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 588**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 553**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 488**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 680**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 756**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 29, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Leland O. Burch, Republican, Rural Route 2, Butler, Bates County, Missouri 64730, as a member of the State Soil and Water Districts Commission, for a term ending May 2, 1999, and until his successor is duly appointed and qualified; vice, Donald Loveland, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 29, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Toni R. Messina, Democrat, 707 Edgewood, Columbia, Boone County, Missouri 65203, as a member of the Missouri Women's Council, for a term ending December 6, 1998, and until her successor is duly appointed and qualified; vice, Benita Williams, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 29, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dawn M. Parsons, D.V.M., Republican, 4340 North Wyandotte, Kansas City, Clay County, Missouri 64116, as a member of the Missouri Veterinary Medical Board, for a term ending August 29, 2001, and until her successor is duly appointed and qualified; vice, R. C. Ebert, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 29, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Roger D. Shaw, Jr., Republican, Thomasville Route 60B, Birch Tree, Howell County, Missouri 65438, as the public member of the Missouri Veterinary Medical Board, for a term ending August 16, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 526**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 689**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 860-By Singleton.

An Act to repeal section 71.620, RSMo 1994, relating to limitations on corporation taxes and license fees imposed by municipalities, and to enact in lieu thereof one new section relating to the same subject.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1143, regarding John W. Parkhurst, Sedalia, which was adopted.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

SIXTEENTH DAY--TUESDAY, FEBRUARY 3, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Dear Lord, help us to be more than advisors. Help us as James wrote in the Bible, to be "doers of the Word and not hearers only." Make us to be workers and not just directors, doers and not just ones who tell others what to do, ones who carry out ideas and not just present them. Lord, use us in Your work as examples of how things ought to be done. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Johnson announced that photographers from the Missouri-Illinois Bowling News and the Associated Press had been given permission to take pictures in the Senate Chamber today.

A quorum being established, the Senate proceeded with its business.

President Wilson assumed the Chair.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Schneider moved that **SR 1044** be taken up for adoption, which motion prevailed.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO.1

Amend Senate Resolution No. 1044, Page 119 of the Senate Journal for Thursday, January 29, 1998, Column 1, Line 2 of said column, by striking "105.470.1(3)(a)" and inserting in lieu thereof the following: "**105.470(4)(a)**"; and further amend line 5 of said column, by striking "105.470.1(3)(a)" and inserting in lieu thereof the following: "**105.470(4)(a)**"; and further amend line 9 of said column, by striking "105.470.4(2)(c)" and inserting in lieu thereof the following: "**105.473.3(2)(c)**".

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Schneider, **SR 1044**, as amended, was adopted by the following vote:

YEAS--Senators

Caskey	Clay	Curls	DePasco
Ehlmann	Flotron	Goode	House
Howard	Jacob	Johnson	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Schneider	Scott	Sims
Wiggins	Yeckel--22		

NAYS--Senators

Bentley	Childers	Graves	Kenney
Kinder	Klarich	Rohrbach	Russell
Singleton	Staples	Westfall--11	

Absent--Senator Banks--1

Absent with leave--Senators--None

REPORTS OF STANDING COMMITTEES

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 780**, begs leave to report that it has considered the same and recommends that the bill do pass.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 861-By Johnson.

An Act to repeal section 238.240, RSMo Supp. 1997, relating to transportation development districts, and to enact in lieu thereof two new sections relating to the same subject.

SB 862-By House.

An Act to amend chapter 166, RSMo, by adding thereto eleven new sections relating to higher education savings programs.

CONCURRENT RESOLUTIONS

Senator Ehlmann offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 32

An act by concurrent resolution and pursuant to Article IV, Section 8, to repeal 5 CSR 30-4.040 relating to requirements for reporting of test scores to the Department of Secondary and Elementary Education.

WHEREAS, section 536.037, RSMo, established the Joint Committee on Administrative Rules to review all rules promulgated by any state agency after January 1, 1976; and

WHEREAS, the Joint Committee on Administrative Rules determined a hearing to be necessary on 5 CSR 30-4.040, Annual Public Reporting of Information by School Districts, as promulgated by the Department of Elementary and Secondary Education; and

WHEREAS, the Joint Committee on Administrative Rules determined that 5 CSR 30-4.040 requires school districts to report disaggregated achievement data for any racial or ethnicity group within a district that contains more than thirty students and which exceeds five percent of a building's enrollment; and

WHEREAS, section 160.522, RSMo, authorizes the Department of Elementary and Secondary Education to develop reporting models that may be used by districts, but does not authorize the department to require the reporting of achievement data that is disaggregated based upon race or ethnicity; and

WHEREAS, section 161.092, RSMo, grants authority to the Department of Elementary and Secondary Education to promulgate rules for the guidance of the department, but does not direct the collection of achievement data based upon race or ethnicity; and

WHEREAS, the Joint Committee on Administrative Rules has determined that 5 CSR 30-4.040(4) is without statutory authority in that it requires districts to report achievement data in this manner; and

WHEREAS, the Joint Committee on Administrative Rules has recommended that the General Assembly ratify its decision that 5 CSR 30-4.040(4) is without statutory authority:

NOW, THEREFORE, BE IT RESOLVED by a majority of the elected members of the Senate and a majority of the elected members of the House of Representatives concurring therein, that 5 CSR 30-4.040(4) be immediately revoked and, upon the Governor's approval of this resolution, the Secretary of State shall, as soon as practicable, publish in the Missouri Register a notice stating that 5 CSR 30-4.040(4) has been revoked; and

BE IT FURTHER RESOLVED that a copy of the foregoing be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the revocation upon this resolution having been signed by the Governor or having been approved by two-thirds of each house of the Eighty-ninth General Assembly, Second Regular Session, after veto by the Governor as provided in Article III, Sections 31 and 32, and Article IV, Section 8 of the Missouri Constitution.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, Patty Parker, Chesterfield.

Senator Mathewson introduced to the Senate, Kenny French, Sedalia.

Senator Klarich introduced to the Senate, Regis Hillow, Chesterfield.

Senator Kenney introduced to the Senate, Jessie and Eli D. Harvey, Jr., and their children, Summer, Allyn and Jacob, and Samantha Alexander, Independence; and Jacob and Samantha were made honorary pages.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

SEVENTEENTH DAY--WEDNESDAY, FEBRUARY 4, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Heavenly Father, we all have things in our closet. We don't like to be reminded of things that we have done which are less than complimentary. There comes a time when we have to turn things over to the Lord. We are thankful for the privilege of doing that. Lord, we would turn this session over to You and ask that Your will be done. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Maxwell--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Curls offered Senate Resolution No. 1144, regarding The Black Church Week of Prayer for the Healing of AIDS of Greater Kansas City, which was adopted.

Senator Schneider offered Senate Resolution No. 1145, regarding the Ninetieth Birthday of Ardell Butler and the Eighty-fifth Birthday of Alene Butler, Berkeley, which was adopted.

Senator Yeckel offered Senate Resolution No. 1146, regarding Betty Summa, St. Louis, which was adopted.

Senator Mueller offered Senate Resolution No. 1147, regarding June Townsend, St. Louis, which was adopted.

Senator Graves offered Senate Resolution No. 1148, regarding Lori Stiens, Maryville, which was adopted.

Senator Childers offered Senate Resolution No. 1149, regarding Jennifer Wilson, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee of State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SCS** for **SB 501**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

THIRD READING OF SENATE BILLS

SCS for **SB 501**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 501

An Act to repeal sections 169.070, 169.075 and 169.670, RSMo Supp. 1997, relating to public school retirement systems, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

Was taken up by Senator Johnson.

On motion of Senator Johnson, **SCS** for **SB 501** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	McKenna
Mueller	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Rohrbach--1			
Absent--Senator Jacob--1			
Absent with leave--Senator Maxwell--1			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	McKenna
Mueller	Quick	Russell	Scott

Sims	Singleton	Westfall	Wiggins
Yeckel--29			
	NAYS--Senator Rohrbach--1		
	Absent--Senators		
Jacob	Schneider	Staples--3	
	Absent with leave--Senator Maxwell--1		

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SCS for **SB 477**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 477An Act to amend chapter 252, RSMo, by adding thereto one new section relating to wild game donations.

Was taken up by Senator Caskey.

On motion of Senator Caskey, **SCS** for **SB 477** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Ehlmann	Jacob--2		
	Absent with leave--Senator Maxwell--1		

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 707, introduced by Senator Flotron, and **SB 484**, introduced by Senator Mathewson, with **SCS**, entitled respectively:

An Act to repeal sections 99.820 and 99.845 as enacted by senate bill no. 1 of the second extraordinary session, eighty-ninth general assembly, relating to tax increment financing, and to enact in lieu thereof two new sections relating to the same subject.

An Act to repeal section 99.845, as enacted by senate bill no. 1 of the second extraordinary session of the eighty-ninth

general assembly and approved by the governor, and to enact in lieu thereof one new section solely for the purpose of changing the eligibility date for certain tax increment financing benefits.

Were called from the Consent Calendar and taken up by Senator Flotron.

SCS for **SBs 707** and **484**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 707 and 484

An Act to repeal sections 99.820 and 99.845 as enacted by conference committee substitute for house committee substitute for senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly, relating to tax increment financing, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Flotron moved that **SCS** for **SBs 707** and **484** be adopted, which motion prevailed.

On motion of Senator Flotron, **SCS** for **SBs 707** and **484** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Jacob	Singleton--2		
Absent with leave--Senator Maxwell--1			

The President Pro Tem declared the bill passed.

Senator Wiggins assumed the Chair.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			

Jacob

Singleton--2

Absent with leave--Senator Maxwell--1

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem McKenna referred **SCR 32** to the Committee on Rules, Joint Rules and Resolutions.

SENATE BILLS FOR PERFECTION

Senator McKenna moved that **SB 615** be taken up for perfection, which motion prevailed.

Senator Rohrbach offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 615, Page 2, Section 572.125, Line 6, by inserting after the word "owner" and prior to the word "if" on said line the following: ", provided such residence is located upon waters of the Missouri or Mississippi rivers and is within at least 1,000 feet of the main channel of said rivers,".

Senator Rohrbach moved that the above amendment be adopted.

At the request of Senator Rohrbach, **SA 1** was withdrawn.

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 615, Page 2, Section 572.125, Line 15, by adding immediately after said line the following:

"572.127. Any statewide ballot measure approved by the voters concerning a gambling issue, whether by initiative petition or referendum, shall be resubmitted to the voters for approval if amended or repealed at any time by the general assembly following initial voter approval of the measure. No measure so amended or repealed by the general assembly shall take effect until the voters approve by affirmative vote the amendment or repeal proposed by the General Assembly."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 2** is out of order in that the amendment is not germane to the subject matter of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator McKenna moved that **SB 615** be declared perfected and ordered printed, which motion prevailed on a standing division vote.

SB 472 and **SB 601**, with **SCS**, were placed on the Informal Calendar.

Senator Banks moved that **SB 475**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 475**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 475

An Act to repeal sections 210.245 and 610.120, RSMo 1994, and sections 43.540, 210.150 and 210.221, RSMo Supp. 1997, relating to the care or supervision of children, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Banks moved that **SCS for SB 475** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO.1

Amend Senate Committee Substitute for Senate Bill No. 475, Pages 7-8, Section 210.221, Lines 1-34, by striking all of said lines; and

Further amend said bill, Page 8, Section 210.245, Lines 1-24, by striking all of said lines and inserting in lieu thereof the following:

"210.211. 1. It shall be unlawful for any person to establish, maintain or operate a child care facility for children, or to advertise or hold himself out as being able to perform any of the services as defined in section 210.201, without having in effect a written license granted by the department of health except that nothing in sections 210.203 to 210.245 shall apply to:

(1) Any person who is caring for four or fewer children. For purposes of this subdivision, children who are related by blood, marriage or adoption to such person within the third degree shall not be considered in the total number of children being cared for;

(2) Any person who has been duly appointed by a court of competent jurisdiction the guardian of the person of the child or children, or the person who has legal custody of the child or children;

(3) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or children of personal friends of such person, and who receives custody of no other unrelated child or children;

(4) Any graded boarding school, [nursery school,] summer camp, hospital, sanitarium or home which is conducted in good faith primarily to provide education, recreation, medical treatment, or nursing or convalescent care for children;

(5) Any nursery school;

[~~(5)~~] **(6)** Any child care facility maintained or operated under the exclusive control of a religious organization. When a nonreligious organization, having as its principal purpose the provision of child care services, enters into an arrangement with a religious organization for the maintenance or operation of a child care facility, the facility is not under the exclusive control of the religious organization; and

[~~(6)~~] **(7)** Any residential facility or day program licensed by the department of mental health under sections 630.705 to 630.760, RSMo, which provides care, treatment and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005, RSMo.

2. Notwithstanding the provisions of subsection 1 of this section, no child care facility shall be exempt from licensure if

such facility receives any state or federal funds for providing care for children **except for federal funds for those programs that meet the requirements for participation in the Child and Adult Care Food Program, 42 U.S.C. 1766.** Grants to parents for child care under this act shall not be construed to be funds received by the facility.

210.221. 1. The department of health shall have the following powers and duties:

(1) After inspection, to grant licenses to persons to operate child care facilities if satisfied as to the good character and intent of the applicant and that such applicant is qualified and equipped to render care or service conducive to the welfare of children, and to renew the same when expired. No license shall be granted for a term exceeding two years. Each license shall specify the kind of child care services the licensee is authorized to perform, the number of children that can be received or maintained, and their ages and sex;

(2) To inspect the conditions of the homes and other places in which the applicant operates a child care facility, inspect their books and records, premises and children being served, examine their officers and agents, [and] **deny**, suspend, **place on probation** or revoke the license of such persons as fail to obey the provisions of sections 210.201 to 210.245 or the rules and regulations made by the department of health. **The director also may revoke or suspend a license when the licensee fails to renew or surrenders the license;**

(3) To promulgate and issue rules and regulations the department deems necessary or proper in order to establish standards of service and care to be rendered by such licensees to children. No rule or regulation promulgated by the division shall in any manner restrict or interfere with any religious instruction, philosophies or ministries provided by the facility and shall not apply to facilities operated by religious organizations which are not required to be licensed; and

(4) To determine what records shall be kept by such persons and the form thereof, and the methods to be used in keeping such records, and to require reports to be made to the department at regular intervals.

2. Any child care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of health and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of health. Local inspectors may grant a variance, subject to approval by the department of health.

3. The department shall deny, suspend or revoke a license if it receives official written notice that the local governing body has found that license is prohibited by any local law related to the health and safety of children.

[3.] **4.** No rule or portion of a rule promulgated under the authority of sections 210.201 to 210.245 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

210.245. 1. Any person who violates any provision of sections 210.201 to 210.245, or who for [himself] **such person** or for any other person makes materially false statements in order to obtain a license or the renewal thereof [under] **pursuant to** sections 210.201 to 210.245, shall be guilty of an infraction for the first offense and shall be assessed a fine not to exceed two hundred dollars and shall be guilty of a class A misdemeanor for subsequent offenses. In case such guilty person is a corporation, association, institution or society, the officers thereof who participate in such misdemeanor shall be subject to the penalties provided by law.

2. If the department of health proposes to deny, suspend or revoke a license, the department of health shall serve upon the applicant or licensee written notice of the proposed action to be taken. The notice shall contain a statement of the type of action proposed, the basis for it, the date the action will become effective, and a statement that the applicant or licensee shall have thirty days to request in writing a hearing before the administrative hearing commission. If no written request for a hearing is received by the department of health within thirty days of the applicant or licensee's receipt of the notice, the proposed discipline shall take effect thirty-one days from the date the original notice was received by the applicant or licensee. If the applicant or licensee makes a written request for a hearing, the department of health shall file a complaint with the administrative hearing commission within ninety days of receipt of the request for a hearing. The complaint shall comply with the laws and regulations for actions brought before the administrative hearing commission.

3. The department of health may issue letters of censure or warning and may place a licensee on probation without formal notice or hearing.

4. The department of health may suspend any license simultaneously with the notice of the proposed action to be taken in subsection 2 of section 210.245, if the department of health finds that there is a threat of imminent bodily harm to the children in care. The notice of suspension shall include the basis of the suspension and the appeal rights of the licensee. The licensee may appeal the decision to suspend the license to the department of health. The appeal must be filed within ten days from the receipt of the notice of appeal. A hearing shall be conducted by the department of health within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department of health, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

[2.] **5.** In addition to initiating proceedings [under] **pursuant to** subsection 1 of this section, or in lieu thereof, the prosecuting attorney of the county where the child care facility is located may file suit for a preliminary and permanent order overseeing or preventing the operation of a child care facility **or the department may request that the attorney general seek an injunction to prevent the operation of the facility** for violating any provision of sections 210.201 to 210.245. The order shall remain in force until such a time as the court determines that the child care facility is in substantial compliance. [If the prosecuting attorney refuses to act or fails to act within thirty days of receipt of notice from the department of health, the department of health may request that the attorney general seek an injunction of the operation of such child care facility.]

[3.] **6.** In cases of imminent bodily harm to children in the care of a child care facility, the department may file suit in the circuit court of the county in which the child care facility is located for injunctive relief, which may include removing the children from the facility, overseeing the operation of the facility or closing the facility.

210.251. 1. By January 1, 1994, financial incentives shall be provided by the department of health through the child development block grant and other public moneys for child care facilities wishing to upgrade their standard of care and which meet quality standards.

2. The department of health shall make federal funds available to licensed **and inspected** child care centers pursuant to federal law as set forth in the Child and Adult Food Program, 42 U.S.C. 1766.

210.252. 1. All buildings and premises used by a child care facility to care for more than four children except those exempted from the licensing provisions of the department of health pursuant to subdivisions (1) [to], **(2), (3), (4) and (7)** of section 210.211, shall be inspected annually for fire and safety by the state fire marshal, [his] **the marshal's** designee or officials of a local fire district and for health and sanitation by the department of health or officials of the local health department. Evidence of compliance with the inspections required by this section shall be kept on file and available to parents of children enrolling in the child care facility.

2. Local inspection of child care facilities may be accomplished if the standards employed by local personnel are substantially equivalent to state standards and local personnel are available for enforcement of such standards.

3. Any child care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of health and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of health. Local inspectors may grant a variance, subject to approval by the department.

4. The department of health shall administer the provisions of sections 210.252 to 210.256, with the cooperation of the state fire marshal, local fire departments and local health agencies.

5. The department of health shall promulgate rules and regulations to implement and administer the provisions of sections 210.252 to 210.256. Such rules and regulations shall provide for the protection of children in all child care

facilities whether or not such facility is subject to the licensing provisions of sections 210.201 to 210.245.

210.256. 1. Any person who violates any provision of sections 210.252 to 210.255, or who for [himself] **such person** or for any other person makes a materially false statement in the notice of parental responsibility required by sections 210.254 and 210.255, shall be guilty of an infraction for the first offense and shall be assessed a fine not to exceed two hundred dollars and shall be guilty of a class A misdemeanor for subsequent offenses. In case such guilty person is a corporation, association, institution, or society, the officers thereof who participate in such violation shall be subject to the same penalties.

2. In addition to initiating proceedings [under] **pursuant to** subsection 1 of this section, or in lieu thereof, the prosecuting attorney of the county where the child care facility is located may file suit for a preliminary and permanent order overseeing or preventing the operation of a child care facility [for violating any provision of section 210.252] **or the department may request that the attorney general seek an injunction to prevent the operation of the child care facility for violating any provision of sections 210.252 to 210.259 or the rules promulgated by the department.** The injunction shall remain in force until such a time as the court determines that the child care facility is in substantial compliance.

3. In cases of imminent bodily harm to children in the care of a child care facility, the department of health may apply to the circuit court of the county in which the child care facility is located for injunctive relief, which may include removing the children from the facility, overseeing the operation of the facility or closing the facility."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Howard offered **SA 1 to SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 475, Page 5 of the amendment, Section 210.221.3, Line 1 of said page, by adding after said line the following: "The department may after inspection find the licensure, denial of licensure, suspension or revocation may be in the best interest of the state.".

Senator Howard moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

President Pro Tem McKenna assumed the Chair.

Senator Mathewson offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 475, Page 14, Section 210.319, Line 16, by inserting immediately after all of said line the following:

"210.516. 1. It shall be unlawful for any person to establish, maintain, or operate a foster home, residential care facility, or child placing agency, or to advertise or hold himself **or herself** out as being able to perform any of the services as defined in sections 210.481 to 210.536, without having in full force and effect a license issued by the division; provided, however, that nothing in sections 210.481 to 210.536 shall apply to:

(1) Any residential care facility operated by a person in which the care provided is in conjunction with an educational

program for which a tuition is charged and completion of the program results in meeting requirements for a diploma recognized by the state department of elementary and secondary education;

(2) Any camp, hospital, sanitarium, or home which is conducted in good faith primarily to provide recreation, medical treatment, or nursing or convalescent care for children;

(3) Any person who receives free of charge, and not as a business, for periods of time not exceeding ninety consecutive days, the child of personal friends of such person as an occasional and personal guest, and who receives custody of no other unrelated child;

(4) Any child placing agency operated by the department of mental health or any foster home or residential care facility operated or licensed by the department of mental health [under] **pursuant to** sections 630.705 to 630.760, RSMo, which provides care, treatment, and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005, RSMo;

(5) Any foster home arrangement established and operated by any well-known religious order or church and any residential care facility or child placement agency operated by such organization; or

(6) Any institution or agency maintained or operated by the state, city or county.

2. Residential care facilities which are exempt from licensure as set forth in subdivision (5) of subsection 1 of this section shall register with the division of family services and shall be subject to all health and fire safety requirements.

[2.] **3.** The division shall not require any foster home, residential care facility, or child placing agency which believes itself exempt from licensure as provided in subsection 1 of this section to submit any documentation in support of the claimed exemption; however [said] **such** foster home, residential care facility, or child placing agency is not precluded from furnishing such documentation if it chooses to do so."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted.

At the request of Senator Banks, **SB 475**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1150

WHEREAS, it is with tremendous sorrow that the members of the Missouri Senate pause to reflect on the life and lifetime achievements of a remarkable Missourian; and

WHEREAS, Dorothy Nell Gould Wilson, longtime resident of the Kansas City area, passed to her eternal reward on January 31, 1998, after a rich and fulfilling life of eighty-seven years; and

WHEREAS, Dorothy Nell Gould Wilson came into the world on August 6, 1910, in Parsons, Kansas, as the tiny infant daughter of proud and loving parents Edwin R. and Cora Ida (Simkosky) Gould; and

WHEREAS, raised in Kansas with her four siblings, Dorothy Wilson was a graduate of Parsons High School, Parsons Junior College, and Kansas University, where she earned her degree in 1936; and

WHEREAS, Dorothy Gould embarked upon a new life with her marriage to Harry D. Wilson, a kind and wonderful gentleman who provided for her and his family through thirty-two years of dedicated employment at the General Motors Plant in Leeds and enjoyed every moment of her company until his passing in 1971; and

WHEREAS, during her busy child-rearing years, Mrs. Wilson was a caring wife and compassionate mother who devoted herself fully to the comfort of her loved ones and who worked diligently to create an atmosphere of warmth and welcome in her home; and

WHEREAS, Dorothy Wilson leaves behind her four sons and their spouses, Mayor Harry O. and Linda Wilson of Grandview, George K. Wilson of Hickman Mills, Daniel R. and Linda Wilson of Chilhowee, and David P. and Yvonne Wilson of Lake Lotawana; her stepdaughter, Nayomia Eskew of St. Paul, Virginia; and her eighteen grandchildren and several great-grandchildren; and

WHEREAS, Dorothy Wilson will also be affectionately remembered by her sisters, Nancy and Georgette, and her brother, Edwin:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, unanimously join in paying last respects to Dorothy Nell Gould Wilson, a devoted wife, loving mother, and caring grandmother, who will be sadly missed by all those who had the distinct pleasure of knowing and loving her; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the family of the late Dorothy Nell Gould Wilson, as an expression of our deepest sympathy.

Senator Graves offered Senate Resolution No. 1151, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Calvin Lintner, Kidder, which was adopted.

Senator Graves offered Senate Resolution No. 1152, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dale Scott, Gallatin, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 863-By Kinder.

An Act to repeal sections 571.020, 571.070 and 571.090, RSMo 1994, and section 571.030, RSMo Supp. 1997, relating to certain weapons offenses, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions, with an emergency clause and a referendum clause.

SB 864-By Howard and Flotron.

An Act to repeal section 305.230, RSMo 1994, section 144.805, RSMo Supp. 1997, and section 17 as enacted by conference committee substitute for house committee substitute for senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly, relating to aviation, and to enact in lieu thereof two new sections relating to the same subject.

SB 865-By Flotron.

An Act to repeal section 99.805 as enacted by conference committee substitute for house committee substitute for senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly, relating to tax increment financing, and to enact in lieu thereof two new sections relating to the same subject.

SB 866-By Flotron.

An Act to repeal sections 643.020, 643.225, 643.228, 643.230, 643.235, 643.237, 643.240, 643.242 and 643.250, RSMo 1994, relating to asbestos abatement, and to enact in lieu thereof nine new sections relating to the same subject.

SB 867-By House.

An Act to repeal section 163.011, RSMo Supp. 1997, relating to school operating levies, and to enact in lieu thereof one new section relating to the same subject.

SB 868-By Maxwell.

An Act to repeal sections 178.790 and 178.890, RSMo 1994, relating to community colleges, and to enact in lieu thereof two new sections relating to the same subject.

SB 869-By Maxwell.

An Act to repeal section 33.803, RSMo 1994, and to enact in lieu thereof five new sections relating to governmental organization.

SJR 32-By Kinder.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to Article X of the Constitution of Missouri relating to disposition of funds received as a result of certain legal settlements.

REPORTS OF STANDING COMMITTEES

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce

and Environment, to which were referred **SB 541** and **SB 822**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Dr. Dees and Joyce Blades, Springfield.

Senator Curls introduced to the Senate, Lee Anthony and Jo "Jordan" Collins, Kansas City.

Senator Bentley introduced to the Senate, Mike Rankin, Springfield.

Senator Klarich introduced to the Senate, Doug Light and Mike Tyree, Washington.

Senator Caskey introduced to the Senate, Douglas and Karen Bartz, Butler.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

EIGHTEENTH DAY--THURSDAY, FEBRUARY 5, 1998

The Senate met pursuant to adjournment.

Senator Staples in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, help us to forget about ourselves; but to never forget about others. Help us to be ministers and not to expect others to minister to us. Jesus taught that the greatest among us would be the servant. We are thankful for the privilege of being servants of the people and to look after their best interests. Use us to make the lives of others better as we do our work. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

President Wilson assumed the Chair.

Senator Staples assumed the Chair.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Staples
Westfall	Wiggins	Yeckel--31	
Absent with leave--Senators			
Maxwell	Scott	Singleton--3	
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 1153, regarding National TRIO Day, which was adopted.

On behalf of Senator Singleton, Senator Quick offered Senate Resolution No. 1154, regarding Marjorie S. Bull, Jasper County, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 870-By Howard.

An Act to repeal section 630.170, RSMo Supp. 1997, relating to employment under the department of mental health, and to enact in lieu thereof one new section relating to the same subject.

SB 871-By Howard and Jacob.

An Act to repeal section 660.250, RSMo 1994, relating to protection of the elderly, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 872-By Clay.

An Act to repeal section 86.317, RSMo 1994, relating to certain police retirement and pension systems, and to enact in lieu thereof two new sections relating to the same subject.

SB 873-By Kenney.

An Act to repeal section 143.171, RSMo 1994, relating to deductibility of federal income taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 874-By Jacob.

An Act to repeal section 337.020, RSMo Supp. 1997, relating to the licensing of psychologists, and to enact in lieu thereof one new section relating to the same subject.

SB 875-By Childers.

An Act to repeal section 386.050, RSMo 1994, and section 386.110, RSMo Supp. 1997, relating to the public service commission, and to enact in lieu thereof two new sections relating to the same subject.

SB 876-By Curls.

An Act to amend chapter 67, RSMo, by adding one new section relating to powers of political subdivisions.

SB 877-By Curls.

An Act to repeal sections 141.530 and 141.550, RSMo 1994, relating to delinquent real estate taxes, and to enact in lieu thereof two new sections relating to the same subject.

SB 878-By Curls.

An Act to repeal section 99.845, RSMo 1994, relating to financing of low income housing, and to enact in lieu thereof one new section relating to the same subject.

SB 879-By Curls.

An Act to repeal section 571.030, RSMo Supp. 1997, relating to firearms regulation, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 880-By Curls.

An Act to repeal section 447.624, RSMo 1994, relating to abandoned property proceedings, and to enact one new

section relating to the same subject.

SB 881-By Kinder.

An Act to repeal section 29.230, RSMo 1994, relating to the state auditor, and to enact in lieu thereof two new sections relating to the same subject.

SB 882-By Kinder.

An Act to amend chapter 376, RSMo, by adding thereto five new sections relating to children's health insurance.

SB 883-By Staples, Quick, Ehlmann, McKenna and Wiggins.

An Act to repeal section 226.040, RSMo Supp. 1997, relating to transportation, and to enact in lieu thereof two new sections relating to the same subject.

SB 884-By Rohrbach.

An Act to repeal section 175.020, RSMo 1994, relating to the student curator to the board of curators of Lincoln University, and to enact in lieu thereof one new section relating to the same subject.

SB 885-By DePasco, McKenna, Lybyer, Maxwell, Mathewson and Rohrbach.

An Act to repeal section 302.020, RSMo Supp. 1997, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 886-By DePasco.

An Act to repeal section 565.024, RSMo 1994, relating to involuntary manslaughter, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 887-By Schneider.

An Act to repeal sections 135.030 and 143.161, RSMo 1994, and section 135.010, RSMo Supp. 1997, relating to income taxation, and to enact in lieu thereof three new sections relating to the same subject.

SENATE BILLS FOR PERFECTION

Senator Banks moved that **SB 475**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Wiggins assumed the Chair.

Senator Howard offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for Senate Bill No. 475, Page 2, Section 2, Line 20 to amend the amendment by striking the words "Division of Family Services" and insert in lieu thereof the following: "The Department of Health"; and

Further amend the amendment on line 21, after the period by inserting the following: "The Department shall also notify

the sheriff in the county of residence and further notify the school district in which the residential facility is located.".

Senator Howard moved that the above amendment be adopted.

Senator Banks raised the point of order that **SA 1** to **SA 2** is out of order in that the amendment is not germane to the subject matter of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 to **SA 2** was again taken up.

At the request of Senator Howard, the above amendment was withdrawn.

Senator Howard offered **SA 2** to **SA 2**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for Senate Bill No. 475, Page 2, Section 2, Line 20, by deleting the words "Division of Family Services" and insert in lieu thereof the following: "The Department of Education"; and

Further amend the amendment, by inserting after the period on line 21, the following: "The department shall also notify the sheriff of the county where the facility is located as well as the local school where the facility is located.".

Senator Howard moved that the above amendment be adopted.

At the request of Senator Howard, **SA 2** to **SA 2** was withdrawn.

At the request of Senator Mathewson, **SA 2** was withdrawn.

Senator Johnson assumed the Chair.

Senator Kenney offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 475, Page 14, Section 210.319, Line 16, by inserting immediately after all of said line the following:

"210.516. 1. It shall be unlawful for any person to establish, maintain, or operate a foster home, residential care facility, or child placing agency, or to advertise or hold himself **or herself** out as being able to perform any of the services as defined in sections 210.481 to 210.536, without having in full force and effect a license issued by the division; provided, however, that nothing in sections 210.481 to 210.536 shall apply to:

(1) Any residential care facility operated by a person in which the care provided is in conjunction with an educational program for which a tuition is charged and completion of the program results in meeting requirements for a diploma recognized by the state department of elementary and secondary education;

(2) Any camp, hospital, sanitarium, or home which is conducted in good faith primarily to provide recreation, medical treatment, or nursing or convalescent care for children;

(3) Any person who receives free of charge, and not as a business, for periods of time not exceeding ninety consecutive days, the child of personal friends of such person as an occasional and personal guest, and who receives custody of no other unrelated child;

- (4) Any child placing agency operated by the department of mental health or any foster home or residential care facility operated or licensed by the department of mental health [under] **pursuant to** sections 630.705 to 630.760, RSMo, which provides care, treatment, and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005, RSMo;
- (5) Any foster home arrangement established and operated by any [well-known] religious order or church and any residential care facility or child placement agency operated by such organization; or
- (6) Any institution or agency maintained or operated by the state, city or county.

2. The division shall not require any foster home, residential care facility, or child placing agency which believes itself exempt from licensure as provided in subsection 1 of this section to submit any documentation in support of the claimed exemption; however [said] **such** foster home, residential care facility, or child placing agency is not precluded from furnishing such documentation if it chooses to do so."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion failed.

At the request of Senator Banks, **SB 475**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Mathewson assumed the Chair.

Having voted on the prevailing side, Senator Flotron moved that the vote by which **HCR 3** was adopted be reconsidered.

Senator Schneider rose to be recognized to speak on the motion made by Senator Flotron.

Senator Howard raised the point of order that the question of reconsideration shall immediately be put and that any debate would be out of order.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Jacob assumed the Chair.

The reconsideration motion made by Senator Flotron failed of adoption by the following vote:

YEAS--Senators			
Clay	Curls	DePasco	Ehlmann
Flotron	Schneider	Sims	Wiggins--8
NAYS--Senators			
Bentley	Caskey	Childers	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Lybyer	Mathewson
McKenna	Quick	Rohrbach	Russell
Staples	Westfall	Yeckel--19	
Absent--Senators			
Banks	Goode	Klarich	Mueller--4
Absent with leave--Senators			
Maxwell	Scott	Singleton--3	

Senator Wiggins assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 556**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 615**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **SJR 21**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **SB 724**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Curls, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 629**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 629, Page 13, Section 67.1639, Lines 7-8, by striking all of said lines and inserting in lieu thereof the following: "**all real property within the area of the program. The**"; and

Further amend said bill, page and section, lines 11-12, by striking all of said lines and inserting in lieu thereof the following: "**of the equalized assessed valuation of all real property in the area of the program, or the**".

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 629, Page 4, Section 67.1603, Line 42, by inserting after the word "question" the following: ", **in a municipality with three hundred thousand or more inhabitants**"; and

Further amend said bill and section, page 5, line 51, by inserting after "program." the following: "**In a municipality with more than five hundred and less than three hundred thousand inhabitants, the governing body of the municipality may serve as the governing body of the home equity program or, in the alternative, the governing body may appoint a five-member governing commission to administer the home equity program. The mayor of any municipality whose governing body serves as the governing body of the home equity program may appoint a five-member advisory board to make recommendations to the governing body of the municipality in relation to the home equity program. Board members shall serve without compensation except for reasonable expenses incurred in the performance of duties as a board member.**".

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

William D. Yates, as a member of the State Board of Registration for the Healing Arts;

Also,

Lynn M. Catrett, as a member of the Advisory Commission for Registered Physician Assistants;

Also,

Dan L. West, as a member of the Missouri Health Facilities Review Committee;

Also,

William J. Hurley, as a member of the Missouri Western State College Board of Regents;

Also,

John W. Briscoe, as a member of the Truman State University Board of Governors;

Also,

Gerald W. Abbott, as a member of the Lincoln University Board of Curators;

Also,

Joyce F. Marshall, Ronald W. Vessell and Shera R. Kafka, as members of the Missouri Head Injury Advisory Council;

Also,

Patti J. Wright and Eddie F. Brown, as members of the Unmarked Human Burial Consultation Committee;

Also,

Terrence G. Klamet, as a member of the State Board of Podiatric Medicine;

Also,

Dale D. Turvey, as a member of the Missouri State Employees Voluntary Life Insurance Commission;

Also,

Amy S. Staples, as a member of the State Board of Cosmetology;

Also,

Joyce A. Blades, as a member of the Public Defender Commission;

Also,

Paul R. Munger, as Chairman of the Missouri State Board of Architects, Professional Engineers and Land Surveyors.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following

report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 657**, begs leave to report that it has considered the same and recommends that the bill do pass.

CONCURRENT RESOLUTIONS

Senator Kinder offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 33

WHEREAS, the proposed settlement was negotiated between the states attorneys general and the tobacco industry; and

WHEREAS, the proposed settlement was achieved on or about June 20, 1997; and

WHEREAS, over the next twenty-five years, total industry payment to the states will exceed \$368 billion, with an initial payment to the states of \$10 billion, upon Congress' approval of the settlement; and

WHEREAS, Missouri would receive over \$36 million in the first settlement payment; and

WHEREAS, until a resolution with the industry is achieved, states will be forced to proceed with costly litigation; and

WHEREAS, the absence of an agreement hampers state legislatures' ability to effectively regulate areas that remain within the states' control; and

WHEREAS, the proposed agreement requires those states that wish to receive money from the settlement to enact specific detailed legislation; and

WHEREAS, many states will not be able to act on the settlement until at least 1999 if the settlement is not quickly approved; and

NOW THEREFORE BE IT RESOLVED that the members of the Senate, Eighty-ninth General Assembly, the House of Representatives concurring therein, urge Congress to expeditiously approve the settlement with the tobacco industry; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the members of Missouri's Congressional delegation.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 837--Appropriations.

SB 838--Transportation.

SB 839--Labor and Industrial Relations.

SB 840--Appropriations.

SB 841--Elections, Pensions and Veterans' Affairs.

SB 842--Civil and Criminal Jurisprudence.

SB 843--Education.

SB844--Financial and Governmental Organization.

SB 845--Corrections and General Laws.

SB 846--Corrections and General Laws.

SB 847--Corrections and General Laws.

SB 848--Local Government and Economic Development.

SB 849--Ways and Means.

SB 850--Civil and Criminal Jurisprudence.

SB 851--Corrections and General Laws.

SB852--Financial and Governmental Organization.

SB 853--Civil and Criminal Jurisprudence.

SB 854--Aging, Families and Mental Health.

SB 855--Aging, Families and Mental Health.

SB 856--Local Government and Economic Development.

SB 857--Ways and Means.

SB 859--Education.

SB 860--Commerce and Environment.

SB 861--Ways and Means.

SB 862--Education.

SJR 30--Judiciary.

SJR 31--Corrections and General Laws.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 1155, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Grover A. Gamm, LaGrange, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, Rob and Mary Evans, Kansas City.

Senator Caskey introduced to the Senate, the Physician of the Day, Dr. Arthur Freeland, Warrensburg.

Senator Lybyer introduced to the Senate, Paul Varghese, India.

On behalf of Senator Kinder and himself, Senator Howard introduced to the Senate, Wayne and Jacque Burch, Sikeston.

Senator Kenney introduced to the Senate, his wife, Sandra, and their children, Carlton and Elizabeth, Lee's Summit; and Elizabeth was made an honorary page.

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Monday, February 9, 1998.

Journal of the Senate

SECOND REGULAR SESSION

NINETEENTH DAY--MONDAY, FEBRUARY 9, 1998

The Senate met pursuant to adjournment.

Senator Johnson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, in Japan young people from all over the world are seeking to be the best. We pray that this friendly kind of activity might spill over into other areas of life in our world. We may not be the fastest skater or the best player, but we can be the best our talent and opportunity allows. We pray for the inspiration to do our best, not for worldly acclaim or recognition, but for the joy of knowing that we have done our best and can make a difference in our world. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

President Pro Tem McKenna assumed the Chair.

The Journal for Thursday, February 5, 1998, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1156, regarding Tom O'Hare, St. Louis, which was adopted.

Senator DePasco offered Senate Resolution No. 1157, regarding the death of Police Officer Thomas R. Meyers, Kansas City, which was adopted.

Senator Wiggins, joined by the entire membership, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1158

WHEREAS, the Honorable Jack E. Gant of Kansas City, Missouri, will retire on February 27, 1998, from Division 5 of the 16th Judicial Circuit in Jackson County after a long and illustrious twenty-one-year career on the bench; and

WHEREAS, Judge Gant has distinguished himself through leadership as Presiding Judge (1991-1992), as Juvenile Judge (1982-1983), as chair of the Circuit Court's Budget and Audit Committee, and as a member of the Missouri Supreme Court's Critical Issues Committee; and

WHEREAS, Judge Gant was appointed Circuit Judge on December 17, 1976, by Governor Christopher S. Bond, prior to which time he served ten years as a state senator in the Missouri General Assembly; and

WHEREAS, Judge Gant served his country with honor and loyalty in the United States Marine Corps from 1946 to 1948; received his law degree from the University of Missouri-Kansas City in 1954; worked as a part-time prosecutor from 1956 to 1960 and as an attorney in private practice from 1955 to 1976; and was a partner in the law firm of Gant, Jolley, Moran, Walsh, Hager, and Gordon; and

WHEREAS, a devout member of the Buckner United Methodist Church, Judge Gant has distinguished himself through active membership in many outstanding clubs and organizations, some of which include the Kansas City Metropolitan, the Eastern Jackson County, and The Missouri Bar associations; the executive council of the Missouri Trial Judges Association; the University of Missouri-Kansas City Law Alumni Association and Athletic Foundation; the Missouri Division of Youth Services Advisory Commission; Phi Alpha Delta; and the American Legion; and

WHEREAS, Judge Gant has earned much well-deserved recognition as the recipient of the Lifetime Achievement Award from both the University of Missouri-Kansas City Law Alumni and the Independence Neighborhood Councils, The Annual President's Award from the Kansas City Metropolitan Bar Association, and the Law Enforcement Commendation Medal from the Sons of the American Revolution; and

WHEREAS, Judge Gant has received the love and support of his wonderful family, which includes his devoted wife of forty-seven years, Beverly Jean; his five children, Terry, John, Marcy, Larry, and Tim; and their seven grandchildren:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, unanimously join in expressing our sincere appreciation and deep gratitude to Judge Jack E. Gant for his many years of unparalleled service as a public servant and as a private citizen, and in wishing him the long, happy, and fulfilling retirement he so richly deserves; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Judge Jack E. Gant, as a measure of our esteem for him.

Senator Rohrbach offered Senate Resolution No. 1159, regarding the One Hundredth Birthday of A. R. "Raymund" Scholten, Jefferson City, which was adopted.

REFERRALS

President Pro Tem McKenna referred **SCR 33** to the Committee on Rules, Joint Rules and Resolutions.

President Pro Tem McKenna referred **SB 588** and **SB 488** to the Committee on State Budget Control.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 888-By Wiggins.

An Act to repeal section 144.014, RSMo Supp. 1997, relating to the sales tax rate on certain items, and to enact in lieu thereof one new section relating to the same subject.

SB 889-By Kenney.

An Act to repeal sections 302.302, 302.505, 302.510, 302.520, 302.541, 577.012 and 577.037, RSMo Supp. 1997, relating to alcohol-related traffic offenses, and to enact in lieu thereof seven new sections relating to the same subject,

with penalty provisions.

SB 890-By Mathewson.

An Act to amend chapter 315, RSMo, by adding five new sections relating to the rights and obligations of innkeepers and guests.

SB 891-By Kinder.

An Act to repeal section 590.121, RSMo 1994, relating to training of dogs used by peace officers, and to enact in lieu thereof one new section relating to the same subject.

SB 892-By Singleton.

An Act to repeal sections 590.110, 590.130, 590.150 and 590.180, RSMo 1994, and sections 590.105 and 590.135, RSMo Supp. 1997, relating to public safety, and to enact in lieu thereof five new sections relating to the same subject.

SJR 33-By Howard, Clay, Russell and Childers.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 16 of article IV of the constitution of Missouri relating to rules and regulations, and adopting one new section in lieu thereof relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 652**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 778**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 832**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 536**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 764**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 787**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 787, Page 3, Section 620.1465, Line 1, by inserting immediately after "620.1465." the following: "**1.**"; and further amend line 2, by inserting immediately after said line the following:

"2. No project shall be funded pursuant to sections 620.1450 to 620.1465 on or after July 1, 2004."

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 809**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 561**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 661**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 761**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 470**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following reports:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 625**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which were referred **SB 675**, **SB 483**, **SB 490** and **SB 564**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Ethics, submitted the following reports:

Mr. President: Your Committee on Ethics, to which was referred **SB 772**, begs leave to report that it has considered the

same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ethics, to which was referred **SB 729**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 893-By Sims.

An Act to amend chapter 196, RSMo, by adding thereto three new sections relating to the prevention of foodborne diseases.

SB 894-By Sims.

An Act to amend chapter 327, RSMo, by adding thereto one new section relating to the practice of architecture.

SIGNING OF

CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **HCR 3** would be read at length by the Secretary and, if no objections be made, be signed to the end that it shall have the full force and effect of law. No objections being made, the concurrent resolution was read by the Secretary and signed by the President Pro Tem.

SENATE BILLS FOR PERFECTION

Senator Mueller moved that **SB 589** be taken up for perfection, which motion prevailed.

Senator Mueller offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 589, Page 2, Section 537.800, Line 21, by inserting after the word "**appraiser**" the following: ", **certified public accountant**".

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

Senator Singleton offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 589, Page 2, Section 537.800, Line 21, by inserting after the word "appraiser" the following: ", **independent insurance agent as defined in section 375.031, RSMo**".

Senator Singleton moved that the above amendment be adopted.

At the request of Senator Singleton, **SA 2** was withdrawn.

Senator Childers offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 589, Page 1, Section 537.800, Line 8, by inserting after the period on said line the following: "Any professional person providing such critical opinion shall be immune from any action of retaliation by an organization or agency providing oversight of the credentials of such professional person."

Senator Childers moved that the above amendment be adopted.

At the request of Senator Mueller, **SB 589**, with **SA 3** (pending), was placed on the Informal Calendar.

Senator Schneider assumed the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Curls, Chairman of the Committee on Insurance and Housing, Senator Quick submitted the following reports:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 517**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 722**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 719**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 870--Aging, Families and Mental Health.

SB 871--Aging, Families and Mental Health.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 5, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael E. Joseph, M.D., Republican, 1322 Bramar Drive, Joplin, Jasper County, Missouri 64801, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 1998, and until his successor is duly appointed and qualified; vice, vacancy.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 5, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James R. Wettstaed, 614 Crow Street, Potosi, Washington County, Missouri 63664, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2000, and until his successor is duly appointed and qualified; vice, Dr. Samuel Stout, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 883--Transportation.

COMMUNICATIONS

President Pro Tem McKenna submitted the following:

February 5, 1998

The Honorable Bill McKenna

Missouri Senate

State Capitol, Room 326

Jefferson City, MO 65101

Dear Senator McKenna:

Thank you for the opportunity to serve on the Certificate of Need committee. I respectfully submit my resignation as a member of this committee effective immediately.

Sincerely,

/s/Peter Kinder

Peter D. Kinder

INTRODUCTIONS OF GUESTS

Senator Graves introduced to the Senate, his brother, Todd Graves, Edgerton.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

TWENTIETH DAY--TUESDAY, FEBRUARY 10, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, Jesus loves the little children of the world and so do we. We see children as our future, as our greatest natural resource and as our number one priority. Use us to create a society in which children are safe, in which they are loved, in which they are wanted, in which they are prepared for the abundant life, and in which they can look forward to a bright future. Help us to set an example for the children. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1160, regarding Jaret Jensen, Harrisonville, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 895-By Staples.

An Act to repeal section 193.265, RSMo 1994, relating to the issuance of veterans' death certificates, and to enact in lieu thereof one new section relating to the same subject.

SB 896-By Staples.

An Act to repeal section 571.030, RSMo Supp. 1997, relating to weapons offenses, and to enact in lieu thereof one new section relating to the same subject with penalty provisions.

SB 897-By Johnson.

An Act to repeal section 172.020, RSMo 1994, relating to the university of Missouri and its ability to sell agricultural products, and to enact in lieu thereof one new section relating to the same subject.

SB 898-By Maxwell.

An Act to repeal sections 320.300, 320.302, 320.305 and 320.307, RSMo 1994, relating to fire protection districts, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 899-By Maxwell.

An Act to repeal section 166.131, RSMo 1994, and section 166.300, RSMo Supp. 1997, relating to school funds, and to enact in lieu thereof two new sections relating to the same subject.

SJR 34-By Howard.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the constitution of Missouri relating to term limits, and adopting one new section in lieu thereof relating to the same subject.

SENATE BILLS FOR PERFECTION

Senator Graves moved that **SB 518** be taken up for perfection, which motion prevailed.

Senator Graves offered **SS** for **SB 518**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 518

An Act to repeal sections 307.350 and 307.366, RSMo Supp. 1997, relating to inspections of motor vehicles, and to enact in lieu thereof two new sections relating to the same subject.

Senator Graves moved that **SS** for **SB 518** be adopted.

Senator Johnson announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 518, Page 9, Section 307.366, Line 19 of said page, by inserting after all of said line the following:

"307.398. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated by the superintendent of the Missouri state highway patrol or the Missouri air conservation commission under the authority of sections 307.350 to 307.400, RSMo, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to

repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 518, Page 1, Section 307.350, Line 1, by striking the brackets and the word "seller".

Senator Schneider moved that the above amendment be adopted.

Senator Graves offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 518, Page 3, Section 307.350, Line 1 of said page, by inserting immediately after said line the following:

"2. Each owner of every motor vehicle which is required to be inspected under this section shall obtain a safety inspection of the vehicle under sections 307.350 to 307.390, prior to registering the vehicle, every three years after the previous inspection."; and further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill, page and section, line 20 of said page, by inserting immediately after all of said line the following:

"307.365. 1. No permit for an official inspection station shall be assigned or transferred or used at any location other than therein designated and every permit shall be posted in a conspicuous place at the location designated. The superintendent of the Missouri state highway patrol shall design and furnish each official inspection station, at no cost, one official sign made of metal or other durable material to be displayed in a conspicuous location to designate the station as an official inspection station. Additional signs may be obtained by an official inspection station for a fee equal to the cost to the state. Each inspection station shall also be supplied with one or more posters which must be displayed in a conspicuous location at the place of inspection and which informs the public that required repairs or corrections need not be made at the inspection station.

2. No person operating an official inspection station under the provisions of sections 307.350 to 307.390 may issue a certificate of inspection and approval for any vehicle except upon an official form furnished by the superintendent of the Missouri state highway patrol for that purpose and only after inspecting the vehicle and determining that its brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel tank and any other safety equipment as required by the state are in proper condition and adjustment to be operated upon the public highways of this state with safety to the driver or operator, other occupants therein, as well as other persons and property upon the highways, as provided by sections 307.350 to 307.390 and the regulations prescribed by the superintendent of the Missouri state highway patrol. No person operating an official inspection station shall furnish, loan, give or sell a certificate of inspection and approval to any other person except those entitled to receive it under provisions of sections 307.350 to 307.390. No person shall have in his possession any certificate of inspection and approval and/or inspection sticker with knowledge that the certificate

and/or inspection sticker has been illegally purchased, stolen or counterfeited.

3. The superintendent of the Missouri state highway patrol may require officially designated stations to furnish reports upon forms furnished by him for that purpose as he considers reasonably necessary for the proper and efficient administration of sections 307.350 to 307.390.

4. If, upon inspection, defects or unsafe conditions are found, the owner may correct them himself or shall have them corrected at any place of his own choice within fifteen days after the defect or unsafe condition is found, and shall have the right to remove the vehicle to such place for correction, but before the vehicle is operated thereafter upon the public highways of this state, a certificate of inspection and approval must be obtained. The inspecting personnel of the official inspection station must inform the owner that he need not have the corrections made at the inspection station.

5. A fee, not to exceed [seven] **twenty-one** dollars, as determined by each official inspection station, may be charged by an official inspection station for each official inspection including the issuance of the certificate of inspection and approval, sticker, seal or other device and a total fee, not to exceed [six] **eighteen** dollars, as determined by each official inspection station, may be charged for an official inspection of a trailer or motorcycle, which shall include the issuance of the certificate of inspection and approval, sticker, seal or other device. Such fee shall be conspicuously posted on the premises of each such official inspection station. No owner shall be charged an additional inspection fee upon having corrected defects or unsafe conditions found in an inspection completed within the previous ten consecutive days, excluding Saturdays, Sundays and holidays, if such follow-up inspection is made by the station making the initial inspection. Every inspection for which a fee is charged shall be a complete inspection, and upon completion of the inspection, if any defects are found the owner of the vehicle shall be furnished a list of the defects and a receipt for the fee paid for the inspection. If the owner of a vehicle decides to have any necessary repairs or corrections made at the official inspection station, he shall be furnished a written estimate of the cost of such repairs before such repairs or corrections are made by the official inspection station. The written estimate shall have plainly written upon it that the owner understands that he need not have the corrections made by the official inspection station and shall have a signature line for the owner. The owner must sign below the statement on the signature line before any repairs are made.

6. Certificates of inspection and approval, sticker, seal or other device shall be purchased by the official inspection stations from the superintendent of the Missouri state highway patrol. The superintendent of the Missouri state highway patrol shall collect a fee of seventy-five cents for each certificate of inspection, sticker, seal or other device issued to the official inspection stations, except that no charge shall be made for certificates of inspection, sticker, seal or other device issued to official inspection stations operated by governmental entities. All fees collected shall be deposited in the state treasury with fifty cents of each fee collected credited to the state highway fund and, for the purpose of administering and enforcing the state motor vehicle laws and traffic regulations, twenty-five cents credited to the "Highway Patrol Inspection Fund" which is hereby created. The moneys collected and deposited in the highway patrol inspection fund shall be expended subject to appropriations by the general assembly for the administration and enforcement of sections 307.350 to 307.390 by the Missouri state highway patrol. The unexpended balance in the fund at the end of each biennium exceeding the amount of the appropriations from the fund for the first two fiscal years shall be transferred to the state road fund, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to the fund.

7. The owner or operator of any inspection station who discontinues operation during the period that a station permit is valid or whose station permit is suspended or revoked shall return all official signs and posters and any current unused inspection stickers, seals or other devices to the superintendent of the Missouri state highway patrol and shall receive a full refund on request except for official signs and posters, provided the request is made during the calendar year or within sixty days thereafter in the manner prescribed by the superintendent of the Missouri state highway patrol. Stations which have a valid permit shall exchange unused previous year issue inspection stickers and/or decals for an identical number of current year issue, provided the unused stickers and/or decals are submitted for exchange not later than April thirtieth of the current calendar year, in the manner prescribed by the superintendent of the Missouri state highway patrol."; and

Further amend the title and enacting clause accordingly.

Senator Graves moved that the above substitute amendment be adopted.

Senator Schneider offered **SA 1** to **SSA 1** for **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for Senate Bill No. 518, Page 1, Line 3, by striking the word "every" and insert "a new" and amend line 4, by inserting "not" after "shall" and striking lines 6 and 7 and insert: "50,000 miles; and by renumbering subsections accordingly."

Senator Schneider moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 1** to **SSA 1** for **SA 2** is out of order in that the amendment is in the 3rd degree.

Senator Staples assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

President Pro Tem McKenna assumed the Chair.

SA 1 to **SSA 1** for **SA 2** was again taken up.

Senator Scott assumed the Chair.

President Pro Tem McKenna assumed the Chair.

Senator Caskey offered **SPA 1** to **SA 1** to **SSA 1** for **SA 2**:

SENATE PERFECTING AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 1 to Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for Senate Bill No. 518, Page 1, Line 3, by inserting after "a new" the following: "in a city not within a county or any county with a population of at least 950,000 people".

Senator Caskey moved that the above perfecting amendment be adopted.

Senator Schneider raised the point of order that **SPA 1** to **SA 1** to **SSA 1** for **SA 2** is out of order in that it is in the 3rd degree.

President Pro Tem McKenna ruled the point of order well taken.

At the request of Senator Schneider, **SA 1** to **SSA 1** for **SA 2** was withdrawn.

Senator Schneider offered **SA 2** to **SSA 1** for **SA 2**:

SENATE AMENDMENT NO. 2 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for Senate Bill No. 518, Page 1, Line 3, by striking the word "every" and insert "a new" and amend line 4, by inserting "not" after "shall" and

striking lines 6 and 7 and insert: "50,000 miles; and by renumbering subsections accordingly and by striking all lines after line 8.".

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Graves, **SB 518**, with **SS**, **SA 2**, **SSA 1** for **SA 2** and **SA 2** to **SSA 1** for **SA 2** (pending), was placed on the Informal Calendar.

Senator Johnson assumed the Chair.

Senator Wiggins moved that **SB 473**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Ehlmann offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 473, Page 2, Section 84.510, Lines 6 and 7, by eliminating the lines and inserting the following:

"2. The base annual compensation of police officers may, for the minimum and shall for the maximum, be as follows for the several ranks:".

Senator Ehlmann moved that the above amendment be adopted, which motion failed on a standing division vote.

On motion of Senator Wiggins, **SB 473**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 632**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 833--Corrections and General Laws.

SB 858--Local Government and Economic Development.

SB 863--Civil and Criminal Jurisprudence.

SB 864--Local Government and Economic Development.

SB 865--Local Government and Economic Development.

SB 866--Commerce and Environment.

SB 867--Education.

SB 868--Local Government and Economic Development.

SB 869--Financial and Governmental Organization.

SB 872--Elections, Pensions and Veterans' Affairs.

SB 873--Ways and Means.

SB 874--Aging, Families and Mental Health.

SB 875--Financial and Governmental Organization.

SB 876--Insurance and Housing.

SB 877--Insurance and Housing.

SB 878--Insurance and Housing.

SB 879--Civil and Criminal Jurisprudence.

SB 880--Insurance and Housing.

SB 881--Education.

SB 882--Public Health and Welfare.

SB 884--Education.

SB 885--Transportation.

SB 886--Civil and Criminal Jurisprudence.

SB 887--Ways and Means.

SJR 32--Appropriations.

INTRODUCTION OF BILLS

The following Bill and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 900--By Schneider and Howard.

An Act to repeal sections 536.017 and 536.024, RSMo Supp. 1997, relating to administrative rules, and to enact in lieu thereof two new sections relating to the same subject.

SJR 35--By Schneider and Howard.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri by adding thereto one new section relating to powers of the legislature concerning rulemaking and the right of citizens to petition for redress of grievances for bureaucratic abuse of rulemaking function.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 1161, regarding the Seventieth Birthday of Lillian Marie Wade, Jefferson City, which was adopted.

Senator Scott offered Senate Resolution No. 1162, regarding Sergeant James E. Long, St. Louis, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1163, regarding Nicholas Kevin Hays, California, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1164, regarding Angela Lehman, California, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1165, regarding Ashley Keene, Tipton, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1166, regarding the Ninetieth Birthday of Harold "Sandy" Bieber, Boonville, which was adopted.

Senator Schneider offered Senate Resolution No. 1167, regarding Marilyn Nolen, St. Louis, which was adopted.

Senator Klarich offered Senate Resolution No. 1168, regarding David C. Velleca, Ballwin, which was adopted.

THIRD READING OF SENATE BILLS

SB 626, introduced by Senator Mathewson, et al, entitled:

An Act Chapter 407, RSMo, is amended by adding thereto one new section relating to certain farm and industrial equipment dealers and manufacturers.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 626** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Curls	Flotron	Staples--3	
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 684, with **SCS**, introduced by Senator Caskey, entitled:

An Act to repeal sections 211.073 and 211.181, RSMo Supp. 1997, relating to juveniles, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 684**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 684

An Act to repeal sections 211.073 and 211.181, RSMo Supp. 1997, relating to juveniles, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **SB 684** be adopted, which motion prevailed.

Senator Clay assumed the Chair.

On motion of Senator Caskey, **SCS** for **SB 684** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Curls	Ehlmann	Schneider--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

SB 555, introduced by Senator Sims, entitled:

An Act to repeal sections 407.911 and 407.913, RSMo 1994, relating to sales commissions, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Sims, **SB 555** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Curls Schneider--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Mueller moved that **SB 589**, with **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

At the request of Senator Childers, the above amendment was withdrawn.

On motion of Senator Mueller, **SB 589**, as amended, was declared perfected and ordered printed.

Senator Graves moved that **SB 518**, with **SS**, **SA 2**, **SSA 1** for **SA 2** and **SA 2** to **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 to **SSA 1** for **SA 2** was again taken up.

At the request of Senator Graves, **SB 518**, with **SS**, **SA 2**, **SSA 1** for **SA 2** and **SA 2** to **SSA 1** for **SA 2** (pending), was placed on the Informal Calendar.

Senator McKenna moved that **SB 619**, with **SCAs 1** and **2**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator McKenna moved that the above amendment be adopted, which motion failed.

Senator Quick assumed the Chair.

Senator Howard assumed the Chair.

Senator Clay offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 619, Page 15, Section 142.815, Line 104, by inserting after the word "dollars" the following: ";

(10) Motor fuel used by an interstate transportation authority, as defined in sections 92.400 and 94.600, RSMo".

Senator Clay moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Wiggins, Singleton, Childers and Scott.

SA 1 was adopted by the following vote:

YEAS--Senators

Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Jacob	Johnson
Kenney	Klarich	McKenna	Quick
Schneider	Scott	Sims	Wiggins
Yeckel--17			

NAYS--Senators

Bentley	Flotron	Goode	Graves
Howard	Kinder	Lybyer	Mathewson
Maxwell	Mueller	Rohrbach	Singleton
Westfall--13			

Absent--Senators

Curls	House	Russell	Staples--4
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Absent with leave--Senators--None

On motion of Senator McKenna, **SB 619**, as amended, was declared perfected and ordered printed.

Senator Quick assumed the Chair.

Senator Howard moved that **SB 499**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 499**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 499

An Act to repeal section 337.035, RSMo Supp. 1997, relating to the practice of psychology, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up.

Senator Howard moved that **SCS** for **SB 499** be adopted.

Senator Johnson assumed the Chair.

Senator Schneider offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 499, Page 6, Section 538.412, Lines 1 to 12, by striking all of

said section; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Quick assumed the Chair.

Senator Johnson assumed the Chair.

At the request of Senator Howard, **SB 499**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Childers moved that **SB 525** be taken up for perfection, which motion prevailed.

On motion of Senator Childers, **SB 525** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 473**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 793**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 870**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator McKenna submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 650**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Banks, Chairman of the Committee on Public Health and Welfare, Senator McKenna submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 754**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

CONCURRENT RESOLUTIONS

Senator Graves offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 34

An act by concurrent resolution pursuant to Article IV, Section 8 of the Missouri Constitution and Section 137.021, RSMo, to disapprove of 12 CSR 30.4-010 relating to the value of agricultural and horticultural land.

WHEREAS, the State Tax Commission is required pursuant to section 137.021 of the Revised Statutes of Missouri to biennially promulgate by regulation a value based upon productive capability for each grade of agricultural and horticultural land; and

WHEREAS, on October 15, 1997, the State Tax Commission filed with the Secretary of State a proposed amendment to 12 CSR 30-4.010 relating to agricultural land productive values; and

WHEREAS, the proposed amendment to 12 CSR 30.4-010 increases the values of various agricultural land grades beyond the level which the General Assembly considers to be fair and reasonable; and

WHEREAS, section 137.021 of the Revised Statutes of Missouri permits the General Assembly to disapprove, within the first sixty days of the regular session, the promulgated agricultural values; and

NOW, THEREFORE, BE IT RESOLVED, by a majority of the elected officials of the Senate of the Eighty-ninth General Assembly, Second Regular Session, a majority of the elected members of the House of Representatives concurring therein, that the members of the General Assembly disapprove of the new agricultural land productive values contained in the proposed amendment to 12 CSR 30-4.010 and that the State Tax Commission shall continue to use values set forth in the most recent preceding regulation promulgated under section 137.021 of the Revised Statutes of Missouri; and

BE IT FURTHER RESOLVED that we, the members of the Eighty-ninth General Assembly, recommend that the state tax commission review the current procedure for determining and establishing agricultural land values and submit a report to the General Assembly with its findings on or before December 1, 1998; and

BE IT FURTHER RESOLVED that a copy of the foregoing be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the revocation upon this resolution having been signed by the Governor or having been approved by two-thirds of each house of the Eighty-ninth General Assembly, Second Regular Session, after veto by the Governor as provided in Article III, Sections 31 and 32, and Article IV, Section 8 of the Missouri Constitution.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1169, regarding the I Can Do It Opera Company at William Southern Elementary School, Independence, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Martha and Jeff Hannes, and their children, Daniel and Helen, Clinton; and Daniel and Helen were made honorary pages.

Senator Kenney introduced to the Senate, Barney and Gay Smith, and their children, Brandy, Corey and Kiara, homeschoolers from Lee's Summit; and Brandy, Corey and Kiara were made honorary pages.

Senator Kinder introduced to the Senate, Jim Gleason, Greg Lathum and Tom Morris, Sikeston; and Joe McPheeters, Columbia.

Senator Flotron introduced to the Senate, ninety fourth grade students from Bridgeway Elementary School, Bridgeton; and Aaron S. Price, Jacob A. Kieffer, Mark T. Knoop and Brian L. Ezell were made honorary pages.

Senator Clay introduced to the Senate, Jason Evan Warren, St. Louis.

Senator Schneider introduced to the Senate, George Wendell and Judge Robert Dierker, St. Louis.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FIRST DAY--WEDNESDAY, FEBRUARY 11, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Heavenly Father, help us to do what is right even when no one is looking. Give to us the wisdom to know what is right and whatever it takes to just do it. We are thankful for men and women of integrity who are willing to give of their time, talent and energy in the service of others. We strive to be like them. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Flotron offered Senate Resolution No. 1170, regarding Brian Elliot, Chesterfield, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 901-By Westfall.

An Act to repeal section 302.060, RSMo Supp. 1997, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

SB 902--By Russell.

An Act to amend chapter 306, RSMo, by adding thereto five new sections relating to the regulation of vessels, with penalty provisions and an emergency clause.

SB 903--By Yeckel.

An Act to repeal section 448.3-116, RSMo 1994, relating to condominiums, and to enact in lieu thereof one new section relating to the same subject.

SECOND READING OF CONCURRENT RESOLUTIONS

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

SCR 34--Rules, Joint Rules and Resolutions.

SENATE BILLS FOR PERFECTION

Senator Banks moved that **SB 475**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

Senator Childers offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 475, Page 9, Section 210.301, Line 30, by deleting the words "is required to" on said line and insert in lieu thereof the words "**may**"; and further amend said bill, section 210.314, line 4, by deleting the word "shall" and insert in lieu thereof the words "**who professes to**"; and further amend said section, line 13, by deleting the word "shall" and inserting in lieu thereof the word "**may**" and further amend said section, line 22, by inserting after the words "is not" the words "**qualified to meet the requirements for**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 475, Page 3, Section 43.540, Line 59, by striking the following: "or youth agency"; and

Further amend said bill, Page 9, Section 210.301, Line 10, by striking the following: "and youth services agencies"; and further amend line 13, by striking the following: "and youth services agencies"; and further amend line 37, by inserting immediately after the word "number" the following: "**pursuant to subsection 3 of this section**"; and

Further amend said bill, page 10, section 210.303, line 19, by striking "records" and inserting in lieu thereof the following: "**the reasons thereof. Records**"; and

Further amend said bill and section, page 11, lines 27-28, by striking the following: "along with a copy of the hearing decision".

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 475, Page 10, Section 210.301, Line 40, by inserting after the word "neglect" the following: "**and whether a finding has been substantiated**".

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 475, Page 12, Section 210.314, Lines 7-9, by deleting on said lines the following: "whether the applicant has been reported for abuse or neglect pursuant to section 198.070, RSMo."; and

Further amend said section, line 11, by deleting the words "for in-home service clients"; and

Further amend said section, lines 16 and 17, by deleting the following: "Whether the person has been reported for abuse or neglect pursuant to section 198.070 RSMo."; and

Further amend said section, line 19, by deleting the words "for in-home service clients."; and

Further amend said section, lines 31 and 32, by deleting the following: "Whether the person has been reported for abuse or neglect pursuant to section 198.070, RSMo."; and

Further amend said section, line 35, by deleting the words "for in-home service clients"; and

Further amend said section, lines 60 and 61, by deleting the following: "or who makes a report for the purpose of abuse or neglect pursuant to section 198.070, RSMo."; and

Further amend said section, line 63, by deleting the words "for in-home service clients".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bill No. 475, Page 11, Section 210.305, Lines 2 and 3, by placing a period "." after the word "rule" and deleting the remainder of said lines; and

Further amend said bill, page 13, Section 210.314, lines 46 through 55, by deleting all of said lines and renumbering the subsequent subsections of said section.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for Senate Bill No. 475, Page 14, Section 210.319, Line 16, by inserting

immediately after all of said line the following:

"210.516. 1. It shall be unlawful for any person to establish, maintain, or operate a foster home, residential care facility, or child placing agency, or to advertise or hold himself **or herself** out as being able to perform any of the services as defined in sections 210.481 to 210.536, without having in full force and effect a license issued by the division; provided, however, that nothing in sections 210.481 to 210.536 shall apply to:

- (1) Any residential care facility operated by a person in which the care provided is in conjunction with an educational program for which a tuition is charged and completion of the program results in meeting requirements for a diploma recognized by the state department of elementary and secondary education;
- (2) Any camp, hospital, sanitarium, or home which is conducted in good faith primarily to provide recreation, medical treatment, or nursing or convalescent care for children;
- (3) Any person who receives free of charge, and not as a business, for periods of time not exceeding ninety consecutive days, the child of personal friends of such person as an occasional and personal guest, and who receives custody of no other unrelated child;
- (4) Any child placing agency operated by the department of mental health or any foster home or residential care facility operated or licensed by the department of mental health [under] **pursuant to** sections 630.705 to 630.760, RSMo, which provides care, treatment, and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005, RSMo;
- (5) Any foster home arrangement established and operated by any well-known religious order or church and any residential care facility or child placement agency operated by such organization; or
- (6) Any institution or agency maintained or operated by the state, city or county.

2. Residential care facilities which are exempt from licensure as set forth in subdivision (5) of subsection 1 of this section shall register with the department of elementary and secondary education which shall provide copies of such registration to the department of health and shall be subject to all local health and fire safety requirements and where local fire standards do not exist then state fire marshal standards shall apply.

[2.] **3.** The division shall not require any foster home, residential care facility, or child placing agency which [believes itself] **is** exempt from licensure as provided in subsection 1 of this section to submit any documentation in support of the claimed exemption; however [said] **such** foster home, residential care facility, or child placing agency is not precluded from furnishing such documentation if it chooses to do so."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Banks moved that **SCS** for **SB 475**, as amended, be adopted, which motion prevailed.

On motion of Senator Banks, **SB 475**, as amended, was declared perfected and ordered printed.

Senator Howard moved that **SB 499**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Schneider, the above amendment was withdrawn.

Senator Howard offered **SS** for **SCS** for **SB 499**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 499

An Act to repeal section 337.035, RSMo Supp. 1997, relating to the practice of psychology, and to enact in lieu thereof seven new sections relating to the same subject.

Senator Howard moved that **SS** for **SCS** for **SB 499** be adopted.

At the request of Senator Howard, **SB 499**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SB 537, introduced by Senator Caskey, entitled:

An Act to amend chapters 404 and 456, RSMo, by adding thereto two new sections relating to powers of certain legal representatives.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 537** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Banks	Scott	Staples--3	
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Graves moved that **SB 518**, with **SS**, **SA 2**, **SSA 1** for **SA 2** and **SA 2** to **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 to **SSA 1** for **SA 2** was again taken up.

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Clay, Caskey, Graves and Russell.

SA 2 to **SSA 1** for **SA 2** failed of adoption by the following vote:

YEAS--Senators			
Clay	DePasco	Ehlmann	Goode
Howard	Jacob	Quick	Schneider
Scott--9			
NAYS--Senators			
Bentley	Caskey	Childers	Curls
Flotron	Graves	House	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Rohrbach	Russell	Sims	Singleton
Westfall	Wiggins	Yeckel--23	
Absent--Senators			
Banks	Staples--2		
Absent with leave--Senators--None			

SSA 1 for **SA 2** was again taken up.

Senator Graves moved that the above substitute amendment be adopted, which motion prevailed.

Senator Graves moved that **SS** for **SB 518**, as amended, be adopted, which motion prevailed.

On motion of Senator Graves, **SS** for **SB 518**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 525** and **SB 589**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

THIRD READING OF SENATE BILLS

SB 496, with **SCS**, introduced by Senator Mueller, entitled:

An Act to repeal section 571.080, RSMo 1994, relating to the transfer of concealable firearms, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 496**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 496

An Act to repeal sections 571.010 and 571.080, RSMo 1994, relating to the transfer of concealable firearms, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Mueller moved that **SCS** for **SB 496** be adopted, which motion prevailed.

On motion of Senator Mueller, **SCS** for **SB 496** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Banks--1			
Absent--Senators			
Bentley	Curls	Scott--3	
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Mueller, title to the bill was agreed to.

Senator Mueller moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem McKenna referred **SB 525** to the Committee on State Budget Control.

SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 532**, **SB 806** and **SB 633**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 532**, **806** and **633**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 532, 806 and 633

An Act to repeal sections 195.211, 195.222, 195.223, 195.420, 195.509, 311.720, 542.276, 568.045 and 569.085, RSMo 1994, and sections 195.010 and 195.400, RSMo Supp. 1997, and to enact in lieu thereof fourteen new sections relating to controlled substances, with penalty provisions.

Was taken up.

Senator Wiggins moved that **SCS** for **SBs 532**, **806** and **633** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **SBs 532, 806 and 633** was declared perfected and ordered printed.

Senator House moved that **SB 780** be taken up for perfection, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 780, Page 3, Section 164.161, Line 6, by striking the word "completed"; and further amend line 6, by inserting immediately after the word "assessment", the following, "**certified by the county clerk**"; and further amend line 6, by inserting immediately after the word "for", the following: "**local**"; and further amend line 6, by striking the word "and" and inserting in lieu thereof the following: "**or**"; and

Further amend said bill, page 6, section 167.251, line 5, by inserting immediately after the word "transportation", the following: ", **except capital expenditures**".

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 780, Page 7, Section 167.279, Lines 11-23, by deleting all of said lines; and

Further amend said bill, page and section, line 24, by deleting the numeral "3" on said line and inserting in lieu thereof the word "2".

Senator Rohrbach moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Bill No. 780, Page 7, Section 167.275, Line 23, by inserting after said line: "The reporting system described in 167.275.2 will expire August 28, 2000.".

Senator Caskey moved that the above substitute amendment be adopted, which motion prevailed.

Senator Staples assumed the Chair.

Senator Ehlmann offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 780, Page 23, Section 167.268, Line 1, by removing the brackets before "167.268" and after the word "guardian" on page 24, line 27; and further amend by adding the following at the end of section 167.268 "No student shall be promoted until and unless they have shown the ability to read within one grade- level of the grade they are leaving.".

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, **SA 3** was withdrawn.

Senator Ehlmann offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 780, Page 23, Section 167.268, Line 1, by removing the brackets before "167.268" and after the word "guardian" on page 24, line 27; and further amend by adding the following at the end of section 167.268 "No student shall be promoted until and unless they have shown the ability to read within one grade-level of the grade they are leaving, unless the student has a learning disability or other physical disability which prevents them from complying with the requirement."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

President Pro Tem McKenna assumed the Chair.

Senator Childers offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Bill No. 780, Page 12, Section 171.031, Line 4, by deleting the bracket on said line; and further amend said section, line 15, by deleting the bracket on said line.

Senator Childers moved that the above amendment be adopted.

At the request of Senator Childers, **SA 5** was withdrawn.

Senator Childers offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Bill No. 780, Page 12, Section 171.031, Line 4, by inserting after the period on said line the words "**No school shall open previous to September 1st except upon a public vote of the patrons of such district.**".

Senator Childers moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Mueller, Russell, Westfall and Yeckel.

SA 6 failed of adoption by the following vote:

YEAS--Senators

Childers	Kinder	Mathewson	Maxwell
Quick	Russell	Schneider--7	

NAYS--Senators

Bentley	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Klarich	McKenna	Mueller
Rohrbach	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--24

Absent--Senators

Banks	Curls	Lybyer--3
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Absent with leave--Senators--None

Senator Childers offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Bill No. 780, Page 12, Section 171.031, Line 4, by deleting the bracket on said line and further amend said section, line 15, by deleting the bracket on said line.

Senator Childers moved that the above amendment be adopted.

At the request of Senator House, **SB 780**, with **SA 7** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 619**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem McKenna referred **SB 619** to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 753**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 904-By Jacob.

An Act to amend chapter 570, RSMo, by adding thereto two new sections relating to property theft, with penalty provisions.

SB 905-By Schneider and DePasco.

An Act relating to certain health care benefits with a conditional effective date for certain sections, and submitting said act to the voters of the state for approval or rejection under referendum provisions of the constitution.

SB 906-By Schneider.

An Act to repeal sections 478.320 and 478.437, RSMo 1994, and section 487.020, RSMo Supp. 1997, relating to judges in certain judicial circuits, and to enact in lieu thereof three new sections relating to the same subject.

RESOLUTIONS

Senators Mathewson and DePasco offered Senate Resolution No. 1171, regarding the One Hundredth Anniversary of The Examiner, Independence, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Chris Carlton, Columbia.

Senator Singleton introduced to the Senate, Ray, Lana and Christin Mathis, Joplin.

Senator Singleton introduced to the Senate, Rocky McMahon, Neosho; and Craig Cobb, Caulfield.

On behalf of Senator Westfall and herself, Senator Bentley introduced to the Senate, Joe Greene, Springfield; and Jim Stirling, Bolivar.

Senator House introduced to the Senate, Amanda, Jeanette and Bill Price, St. Charles County.

Senator Kenney introduced to the Senate, Jim Anderson, Lee's Summit.

Senator Singleton introduced to the Senate, Dick Largent and Janice Turner, Joplin.

Senator Howard introduced to the Senate, Joe and Linda Cravens, Greenville.

Senator Sims introduced to the Senate, Mayor Terri Williams, Webster Groves; and Ginger Harris, Creve Coeur.

Senator Wiggins introduced to the Senate, George Kopp, IV, Kansas City.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SECOND DAY--THURSDAY, FEBRUARY 12, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, our life is not a solo act. We need others. We need family, friends and those with whom we work. We are thankful for those who share our world, who give us reason for living and add so much to our life. We especially are thankful for our families and friends. Use us as we work together to make an even better place for our children to share. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			

Senator Johnson assumed the Chair.

RESOLUTIONS

Senator DePasco offered Senate Resolution No. 1172, regarding Ralph Joseph Ojeda, Kansas City, which was adopted.

Senator DePasco offered Senate Resolution No. 1173, regarding Daniel J. Quintero, Jr., Kansas City, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 907-By Singleton.

An Act to amend chapter 376, RSMo, by adding thereto five new sections relating to children's health insurance.

SB 908-By Flotron.

An Act to amend chapter 536, RSMo, by adding thereto one new section relating to remedies for hardship caused by new or changed interpretations of law by executive branch administrative agencies.

SB 909-By Flotron.

An Act to repeal section 162.890, RSMo 1994, relating to special school districts, and to enact in lieu thereof one new section relating to the same subject.

THIRD READING OF SENATE BILLS

SB 673, with **SCA 1**, introduced by Senator Sims, entitled:

An Act to amend chapter 455, RSMo, by adding thereto four new sections relating to domestic violence.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Sims, **SB 673**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Ehlmann	Schneider	Singleton--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 535, introduced by Senator Caskey, entitled:

An Act to repeal section 163.011, RSMo Supp. 1997, relating to determining equivalent sales ratios used in equalizing assessed valuations, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 535** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Goode	Schneider--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 479, introduced by Senator Caskey, entitled:

An Act to repeal section 247.040, RSMo Supp. 1997, relating to public water supply districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Caskey requested unanimous consent of the Senate to make a technical correction to **SB 479** on page 4, line 123, by changing the word "**revenue**" to "**obligation**", which request was granted.

On motion of Senator Caskey, **SB 479** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Schneider--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 772**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 729**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SBs 532, 806 and 633**; **SS** for **SB 518**; and **SCS** for **SB 475**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SB 588**; **SB 488**; **SB 619**; and **SB 525**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Stacy M. Tucker, as Student Representative to Central Missouri State University Board of Regents;

Also,

Larry Craig Halsey, as Student Representative to Southwest Missouri State University Board of Governors;

Also,

Renzi R. Russell, as Student Representative to Linn State Technical College Board of Regents;

Also,

Darren La'Daire Smith, as Student Representative to Lincoln University Board of Curators;

Also,

Andre' L. May, as Student Representative to Harris-Stowe State College Board of Regents;

Also,

Jessica M. Neighbors, as Student Representative to Truman State University Board of Governors;

Also,

Christin K. Mathis, as Student Representative to Missouri Southern State College Board of Regents;

Also,

Timothy P. Arbeiter, as Student Representative to Southeast Missouri State University Board of Regents;

Also,

Karen M. Barmann, as Student Representative to Northwest Missouri State University Board of Regents;

Also,

Nancy A. Frasier, as a member of the State Board of Examiners for Hearing Instrument Specialists;

Also,

Charles E. Klinginsmith, as a member of the State Board of Chiropractic Examiners;

Also,

M. Sean McGinnis, as a member of the State Fair Commission.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

THIRD READING OF SENATE BILLS

SB 615, introduced by Senator McKenna, entitled:

An Act to repeal sections 572.070 and 572.125, RSMo 1994, relating to gambling, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator McKenna, **SB 615** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Clay	Curls	DePasco
Flotron	Goode	Howard	Jacob
Johnson	Mathewson	McKenna	Mueller
Quick	Schneider	Scott	Sims
Staples	Wiggins	Yeckel--19	
NAYS--Senators			
Bentley	Caskey	Childers	Ehlmann
Graves	House	Kenney	Kinder
Klarich	Lybyer	Maxwell	Rohrbach

Russell	Singleton	Westfall--15
	Absent--Senators--None	
	Absent with leave--Senators--None	

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

SB 473, introduced by Senator Wiggins, et al, entitled:

An Act to repeal sections 84.480 and 84.510, RSMo 1994, relating to Kansas City police officers, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Wiggins, **SB 473** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Banks--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

SB 525, introduced by Senator Childers, entitled:

An Act to amend chapter 21, RSMo, relating to the general assembly by adding thereto one new section relating to the same subject.

Was taken up.

On motion of Senator Childers, **SB 525** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay

Curls	DePasco	Ehlmann	Goode
Graves	Howard	Jacob	Johnson
Kenney	Kinder	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Schneider	Scott	Sims
Staples	Westfall	Wiggins	Yeckel--28

Flotron	NAYS--Senators	Klarich	Rohrbach
Singleton--5	House		

Absent--Senator Banks--1
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Mueller moved that motion lay on the table, which motion prevailed.

SB 589, introduced by Senator Mueller, entitled:

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to claims against certain licensed professionals.

Was taken up.

On motion of Senator Mueller, **SB 589** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Childers	Clay	Curls
DePasco	Flotron	Goode	Graves
Johnson	Kenney	Kinder	Klarich
Mathewson	McKenna	Mueller	Quick
Russell	Scott	Sims	Singleton
Westfall	Yeckel--22		
	NAYS--Senators		
Caskey	House	Howard	Jacob
Lybyer	Maxwell	Schneider	Staples
Wiggins--9			
	Absent--Senators		
Banks	Ehlmann	Rohrbach--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

Senator Mathewson assumed the Chair.

On motion of Senator Mueller, title to the bill was agreed to.

Senator Mueller moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

SB 619, introduced by Senators McKenna and Lybyer, entitled:

An Act to repeal sections 142.009, 142.010, 142.020, 142.025, 142.030, 142.040, 142.050, 142.060, 142.070, 142.080, 142.090, 142.100, 142.110, 142.120, 142.130, 142.140, 142.150, 142.160, 142.165, 142.166, 142.167, 142.170, 142.180, 142.190, 142.200, 142.210, 142.220, 142.230, 142.240, 142.250, 142.260, 142.270, 142.280, 142.290, 142.295, 142.300, 142.330, 142.340, 142.350, 142.362, 142.364, 142.366, 142.372, 142.374, 142.403, 142.404, 142.406, 142.412, 142.422, 142.432, 142.442, 142.452, 142.462, 142.466, 142.472, 142.482, 142.492, 142.511, 142.513, 142.515, 142.517, 142.521, 142.531, 142.541, 142.551, 142.561, 142.563, 142.571, 142.573, 142.575, 142.577, 142.579, 142.583, 142.584, 142.591, 142.611, 142.617, 142.621, 155.080 and 414.102, RSMo 1994, and section 319.132, RSMo Supp. 1997, relating to motor fuel, and to enact in lieu thereof fifty-nine new sections relating to the same subject, with penalty provisions and an effective date.

Was taken up by Senator McKenna.

On motion of Senator McKenna, **SB 619** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Banks--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem McKenna referred **SCS** for **SBs 532, 806 and 633**; **SS** for **SB 518**; and **SCS** for **SB 475** to the Committee on State Budget Control.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 910-By Caskey.

An Act to repeal sections 104.540, 210.826, 210.830, and 454.432, RSMo 1994, and sections 193.215, 210.822, 287.820, 454.390, 454.408, 454.413, 454.440, 454.455, 454.460, 454.490, 454.505 and 476.688, RSMo Supp. 1997,

relating to child support, and to enact in lieu thereof eighteen new sections relating to the same subject.

SB 911-By McKenna.

An Act to repeal section 215.030, RSMo Supp. 1997, and sections 100.840, 135.403, 135.405 and 135.503, as enacted by senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and approved by the governor, and to enact in lieu thereof eight new sections for the purpose of providing tax relief in distressed communities.

SB 912-By Jacob.

An Act to repeal section 488.012, RSMo Supp. 1997, relating to witnesses, and to enact in lieu thereof one new section relating to the same subject.

SB 913-By Curls.

An Act to amend chapter 30, RSMo, by adding thereto one new section relating to the deposit of state funds.

SB 914-By Curls.

An Act to repeal section 514.040, RSMo Supp. 1997, relating to waiver of court costs, and to enact in lieu thereof one new section relating to the same subject.

SB 915-By Curls.

An Act to repeal section 441.060, RSMo Supp. 1997, relating to termination of tenancies, and to enact in lieu thereof one new section relating to the same subject.

SB 916-By Curls.

An Act to repeal section 89.120, RSMo 1994, relating to zoning regulations, and to enact in lieu thereof one new section relating to the same subject.

COMMUNICATIONS

President Pro Tem McKenna submitted the following:

February 11, 1998

The Honorable Bill McKenna

Missouri Senate

State Capitol Building

Jefferson City, MO 65101

Dear Senator McKenna:

Effective today, I am respectfully resigning my position on the Appropriations Committee. Due to time constraints, I am not able to fulfill my obligation to the Committee.

Thank you for your consideration in this matter.

Sincerely,

/s/ Franc

INTRODUCTIONS OF GUESTS

Senator Lybyer introduced to the Senate, Victoria Kleffner, Rich Fountain; and Victoria was made an honorary page.

Senator Howard introduced to the Senate, the Physician of the Day, Dr. and Mrs. Eugene Hansbrough, Poplar Bluff.

Senator Childers introduced to the Senate, Tammy Roberts, Shelly Frasen and sixteen students from Hollister R-V High School, Hollister.

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Monday, February 16, 1998.

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-THIRD DAY--MONDAY, FEBRUARY 16, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we are thankful for those who are willing to take on the difficult task of leading our state and nation. On this, President's Day, we pause to give thanks for this great nation in which we live. We are thankful for our democracy in which all people have a right to vote, to pursue their dreams, to express their opinion, to be what they want to be. Use us to make freedom available to all people of the world. We pray that this way of life will never be just a memory. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Mathewson assumed the Chair.

The Journal for Thursday, February 12, 1998, was read and approved.

Senator Quick announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Howard offered Senate Resolution No. 1174, regarding Hunter Sheets, Piedmont, which was adopted.

Senator Howard offered Senate Resolution No. 1175, regarding Anthony Jay Ridenour, Puxico, which was adopted.

Senator Caskey offered Senate Resolution No. 1176, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Frank Robertson, Butler, which was adopted.

Senator Curls offered Senate Resolution No. 1177, regarding Mr. and Mrs. Lee Collins, Kansas City, which was adopted.

Senator Caskey offered Senate Resolution No. 1178, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Glen Lee Westhusing, Montrose, which was adopted.

Senator Bentley offered Senate Resolution No. 1179, regarding Bill Rowe, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1180, regarding Bill Henderson, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1181, regarding the late Virgil J. "Hook" Brown, which was adopted.

Senator McKenna offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 1182

NOTICE OF PROPOSED RULE CHANGE

BE IT RESOLVED by the Senate of the Eighty-ninth General Assembly, Second Regular Session, that Senate Rule 28. 20 be amended as follows:

"Rule 28. 20. The Committee on Rules, Joint Rules and Resolutions shall consider and report on all rules for the government of the senate and joint rules when requested by the senate, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.

The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

The Committee shall review each concurrent resolution prior to its assignment to Committee to determine whether it has the force and effect of law. If it is so determined, the Committee will report its findings to the Senate and if the Committee Report is approved, the resolution shall be treated in its passage, in all respects, as is a bill."

Senator McKenna offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 1183

NOTICE OF PROPOSED RULE CHANGE

BE IT RESOLVED by the Senate of the Eighty-ninth General Assembly, Second Regular Session, that Senate Rule 91 be amended as follows:

"Rule 91. When a question has once been decided by a vote of the senate, any senator voting on that side which prevails may move for a reconsideration of the vote at any time within three legislative days, excluding legislative days wherein the roll is not called, after the day on which the vote was had, except votes ordering bills printed as perfected, which may be reconsidered at any time before third reading of such bills[.]; **provided however, that no motion for reconsideration is in order on any subject matter which is no longer in possession of the body.** [When a motion is made to reconsider the vote by which a bill failed of perfection, the presiding officer shall briefly state the nature of the bill and, thereupon, the vote on the motion to reconsider shall be immediately taken without interrogation or debate.] **When a motion is made to reconsider a vote by which a matter passed or failed, the presiding officer shall briefly state the nature of the matter and, thereupon, the vote on the motion to reconsider shall be immediately taken without interrogation or debate. When a vote by which a bill was declared perfected is reconsidered, any previous actions on the bill are subject to reconsideration for three legislative days thereafter.** All motions to reconsider shall be decided by a majority vote of the senators elected. Only one motion to reconsider shall be allowed on any question."

Senator McKenna offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 1184

NOTICE OF PROPOSED RULE CHANGE

BE IT RESOLVED by the Senate of the Eighty-ninth General Assembly, Second Regular Session, that Senate Rule 45 be amended as follows:

"Rule 45. There shall be a senate consent calendar. The sponsor of a senate bill shall first give notice of desire to have a bill placed upon the senate consent calendar by filing in writing, with the chairman of the committee to which the bill was referred, a notice of intent one day prior to a committee hearing. The notice of intent shall set forth the nature of the legislation, the fact that it is not a controversial bill, and a request that the senate committee recommend that the bill be placed upon the consent calendar. The bill will go to the senate consent calendar if, a quorum being present, it receives a unanimous affirmative vote of do pass by all members present at the senate committee to which the bill was referred, and there is thereafter a motion made and unanimously carried by affirmative vote of all those present that it be placed upon the consent calendar. Any bill approved by committee, for consent, may be reported to the consent calendar at any time the Senate goes to the order of business of committee reports. When a bill is placed upon the consent calendar, third reading shall not commence until the fifth legislative day. During this four-day period, starting with the first day the bill appears on the consent calendar in the Journal any member or the Committee on Rules, Joint Rules and Resolutions may, by filing written objection, direct that it be returned to the senate committee from which it was reported for action in accordance with the rules of the senate. A senate bill placed upon the senate consent calendar shall not be subject to amendment, except for committee amendments, and after the committee amendments have been disposed of shall be third read as though it had previously been perfected. **Any house bill reported to the consent calendar shall not be subject to amendment, except for committee amendments.** If returned to committee, the chairman may report the bill to the senate at the next time that order of business is taken up, without further action of the committee. No senate bill may be placed on the consent calendar after March fifteenth and no house bill shall be placed on the consent calendar after April fifteenth."

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 917-By Caskey.

An Act to repeal section 65.230, RSMo 1994, and section 50.660, RSMo Supp. 1997, relating to county administration, and to enact in lieu thereof two new sections relating to the same subject.

THIRD READING OF SENATE BILLS

SB 550, introduced by Senator Johnson, entitled:

An Act to repeal section 233.187, RSMo Supp. 1997, relating to the appointment of a treasurer of road districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 550** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Ehlmann--1			

Absent with leave--Senators

SchneiderWestfall--2

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Lybyer moved that motion lay on the table, which motion prevailed.

SB 580, introduced by Senator Lybyer, entitled:

An Act to repeal section 79.050, RSMo 1994, relating to municipal elections in fourth class cities, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Lybyer, **SB 580** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Banks--1			
Absent with leave--Senators			
Schneider	Westfall--2		

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SB 597, introduced by Senator Johnson, entitled:

An Act to repeal section 52.275, RSMo 1994, relating to drainage districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 597** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode

Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Banks	Curls	Quick--3
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Absent with leave--Senators

Schneider	Westfall--2
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The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

SB 653, with **SCA 1**, introduced by Senator Childers, entitled:

An Act to repeal section 70.210, RSMo 1994, relating to political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Childers, **SB 653**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Goode	House
Jacob	Johnson	Kenney	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Russell	Scott	Staples
Wiggins	Yeckel--22		
	NAYS--Senators		
Flotron	Graves	Howard	Kinder
Klarich	Rohrbach	Singleton--7	
	Absent--Senators		
Banks	Curls	Sims--3	
	Absent with leave--Senators		
Schneider	Westfall--2		

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SB 676, introduced by Senator Johnson, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to local government.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 676** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Banks	Curls	Graves--3	
Absent with leave--Senators			
Schneider	Westfall--2		

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 734, introduced by Senator Caskey, entitled:

An Act to repeal sections 360.020, 360.040, 360.045, 360.055, 360.075, 360.080, 360.095, 360.100, 360.105, 360.107 and 360.108, RSMo 1994, and section 360.015, RSMo Supp. 1997, and to enact in lieu thereof thirteen new sections relating to the financing of certain health, education and cultural facilities, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 734** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Wiggins	Yeckel--30		
NAYS--Senators--None			

	Absent--Senators
Banks	Curls--2
	Absent with leave--Senators
Schneider	Westfall--2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Banks	Curls--2		
	Absent with leave--Senators		
Schneider	Westfall--2		

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

SB 739, introduced by Senator McKenna, entitled:

An Act to repeal section 64.241, RSMo 1994, relating to regulation of subdivisions, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator McKenna, **SB 739** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Banks	Curls--2		

Absent with leave--Senators

SchneiderWestfall--2

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

SB 720, introduced by Senators Clay and Sims, entitled:

An Act to amend chapter 210, RSMo, by adding thereto three new sections relating to the children's services commission's study on children of incarcerated parents.

Was called from the Consent Calendar and taken up by Senator Clay.

On motion of Senator Clay, **SB 720** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Banks	Curls	Ehlmann--3	
Absent with leave--Senators			
Schneider	Westfall--2		

The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 541** and **SB 822**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 541** and **822**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 541 and 822

An Act to repeal sections 643.310, 643.315, 643.320, 643.335, 643.350 and 643.355, RSMo 1994, and sections 307.366 and 643.210, RSMo Supp. 1997, relating to motor vehicle emissions, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Goode moved that **SCS** for **SBs 541** and **822** be adopted.

Senator Jacob assumed the Chair.

At the request of Senator Goode, **SB 541** and **SB 822**, with **SCS** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 489**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 558**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 530**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Staples, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 634**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 649**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 842**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 820**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 827**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 828**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 829**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 571**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 642**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 883**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 883, Page 3, Section 226.040, Line 13, by inserting after "transportation.", the following: "**The director shall serve at the pleasure of the commission.**"; and

Further amend said bill, page and section, line 27, by inserting after "shall be" the following: "**citizens of this state and**"; and further amend said line by striking the words "for five years".

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which were referred **SB 618**, **SB 591** and **SB 747**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 651**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 659**, begs leave to report

that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Ethics, submitted the following report:

Mr. President: Your Committee on Ethics, to which were referred **SB 729** and **SB 772**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 751**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 751, Page 1, Section 135.444, Line 3, by inserting immediately after the word "alleys" the following: "**located in Missouri**"; and further amend line 14, by inserting immediately after "4." the following: "**Pursuant to rules promulgated by the director of the department of revenue for the state income tax,**".

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 487**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 773**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 596**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clay, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 538**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO.1

Amend Senate Bill No. 538, Page 1, Section 1, Line 3, by inserting after the word "persons" the following: "**, other than employees of a public utility performing work solely for such public utility and other than employees of a railroad corporation as defined in section 388.010, RSMo, performing work solely for such railroad corporation,**".

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 641**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which were referred **SB 583** and **SB 645**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 918-By Howard, Lybyer and McKenna.

An Act to repeal sections 630.520 and 630.530, RSMo 1994, relating to lease of land.

SB 919-By Wiggins.

An Act to repeal section 143.751, RSMo 1994, relating to taxation, and to enact in lieu thereof two new sections relating to the same subject.

SB 920-By House.

An Act to repeal sections 319.015, 319.022, 319.023, 319.024, 319.025, 319.026, 319.030, 319.045 and 319.050, RSMo 1994, relating to underground facilities, and to enact in lieu thereof ten new sections relating to the same subject.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 12, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary E. Breckenridge, Republican, 528 Lee Avenue, Post Office Box 382, Charleston, Mississippi County, Missouri 63834, as a member of the State Board of Health, for a term ending October 13, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 12, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Marcella W. Williams, Democrat, 8026 NE 50th Street, Kansas City, Clay County, Missouri 64119, as a member of the State Board of Health, for a term ending October 13, 1999, and until her successor is duly appointed and qualified; vice, Jeanette Jefferson, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 13, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Linda R. Blake, Republican, 2667 Wycliff Drive, Farmington, St. Francois County, Missouri 63640, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 13, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Yolanda Lorge, 2747 Verona, Springfield, Greene County, Missouri 65804, as the public member of the Advisory Commission for Clinical Perfusionists, for a term ending February 13, 2003, and until her successor is duly appointed and qualified; vice, RSMo 324.177.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 13, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Russell E. Dayton, 507 South Chestnut, Cameron, Clinton County, Missouri 64429, as the public member of the Advisory Commission for Clinical Perfusionists, for a term ending February 13, 2003, and until his successor is duly appointed and qualified; vice, RSMo 324.177.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 13, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jeanne R. Rhoades, 12778 Mason Manor, St. Louis, St. Louis County, Missouri 63141, as a member of the Advisory Commission for Clinical Perfusionists, for a term ending February 13, 2000, and until her successor is duly appointed and qualified; vice, RSMo 324.177.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 13, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Quentin C. Wilson, 2313 Cherry Ridge Court, Columbia, Boone County, Missouri 65203, as Director of the Department of Revenue, for a term ending at the pleasure of the Governor; vice, Janette M. Lohman, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 13, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gregory M. Weaver, R.N., C.C.P., 5316 Henwick Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Commission for Clinical Perfusionists, for a term ending February 13, 1999, and until his successor is duly appointed and qualified; vice, RSMo 324.177.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 888--Ways and Means.

SB 889--Transportation.

SB 890--Agriculture, Conservation, Parks and Tourism.

SB 891--Civil and Criminal Jurisprudence.

SB 892--Civil and Criminal Jurisprudence.

SB 893--Public Health and Welfare.

SB 894--Interstate Cooperation.

SB 895--Elections, Pensions and Veterans' Affairs.

SB 896--Civil and Criminal Jurisprudence.

SB 897--Agriculture, Conservation, Parks and Tourism.

SB 898--Local Government and Economic Development.

SB 899--Education.

SB 900--Judiciary.

SB 901--Transportation.

SB 902--Agriculture, Conservation, Parks and Tourism.

SB903--Financial and Governmental Organization.

SB 904--Civil and Criminal Jurisprudence.

SB 905--Insurance and Housing.

SB 906--Judiciary.

SB 907--Public Health and Welfare.

SB 908--Ways and Means.

SB 909--Education.

SB 910--Aging, Families and Mental Health.

SB 911--Local Government and Economic Development.

SB 912--Judiciary.

SB913--Financial and Governmental Organization.

SB 914--Judiciary.

SB 915--Insurance and Housing.

SB 916--Insurance and Housing.

SJR 33--Judiciary.

SJR 34--Rules, Joint Rules and Resolutions.

SJR 35--Judiciary.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1185, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George McAllister, Mendon, which was adopted.

COMMUNICATIONS

President Pro Tem McKenna submitted the following:

February 16, 1998

The Honorable Anita Yeckel

Missouri Senate

Capitol Building, Room 329

Jefferson City, MO 65101

Dear Senator Yeckel:

Please be informed that I am hereby appointing you a member of the Missouri Health Facilities Review Committee, Section 197.310 RSMo 1979, to fill the vacancy created by the resignation of Senator Peter Kinder.

If you have any questions or concerns please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Missouri Senate

Also,

February 16, 1998

The Honorable Walt Mueller

Missouri Senate

Capitol Building, Room 330

Jefferson City, MO 65101

Dear Senator Mueller:

Please be advised that I have appointed you a member of the Senate Appropriations Committee to fill the vacancy created by the resignation of Senator Francis Flotron.

If you have any questions or concerns please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Missouri Senate

INTRODUCTIONS OF GUESTS

Senator Childers introduced to the Senate, Kevin and Lori Cantwell, and their children, Cody and Chase, Barry County.

Senator Rohrbach introduced to the Senate, Mickey Wilson, Doug Thompson and Pack II Webelos Scouts, Jefferson City; and Jeff Wilson, Philip Thompson, Nathan Thompson, Elliott Ambrose, David Hicks, Cory Mueller, Kyle Mathis, Ryan Colvin and Todd Meyer were made honorary pages.

Senator Caskey introduced to the Senate, Marilyn Oehlschlaeger, Joan Shields, Gayle Nickel, Mary Pressly, Barbara Henkemeyer, Barbara Perkins, Mary Ann Hartzler, Elaine Gum, Jane Long, Judi Vaughan, Wilma Graham, Mary Ann Borchert and Linda Cook, Belton.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FOURTH DAY--TUESDAY, FEBRUARY 17, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we don't always enjoy being the light of the world and the salt of the earth. The responsibility can be awesome. Because Jesus told us, "Ye are the light of the world", we know that our choice isn't whether we will be the light. Our choice is what kind of a light we will be. Help us to be the kind of light that shows the way and not the kind that shines on people to see what they are up to. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Wiggins
Yeckel--33			

Absent with leave--Senator Westfall--1

The Lieutenant Governor was present.

THIRD READING OF SENATE BILLS

SB 732, with **SCS**, introduced by Senator Schneider, entitled:

An Act to repeal section 337.021, RSMo Supp. 1997, relating to the initial licensure of psychologists, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 732**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 732

An Act to repeal section 337.021, RSMo Supp. 1997, relating to the initial licensure of psychologists, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Schneider moved that **SCS** for **SB 732** be adopted, which motion prevailed.

On motion of Senator Schneider, **SCS** for **SB 732** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
House	Jacob--2		
Absent with leave--Senators			
Banks	Curls	Westfall--3	

The President Pro Tem declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

SB 674, introduced by Senators Sims and Bentley, entitled:

An Act to repeal sections 453.010, 453.030, 453.040, 453.070, 453.075, 453.077, 453.080 and 453.170, RSMo Supp. 1997, relating to adoption, and to enact in lieu thereof eight new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Sims.

On motion of Senator Sims, **SB 674** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Wiggins
Yeckel--29			
NAYS--Senators--None			

Jacob	Absent--Senators	
	Schneider--2	
	Absent with leave--Senators	
Banks	Curls	Westfall--3

The President Pro Tem declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 541** and **SB 822**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SBs 541** and **822** was again taken up.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 541 and 822, Page 2, Section 307.366, Line 38, by inserting immediately after the word "next", the following: "**four**"; and further amend same section and line by inserting an "s" at the end of the word "registration".

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Klarich, **SA 1** was withdrawn.

Senator Johnson assumed the Chair.

Senator Mathewson assumed the Chair.

At the request of Senator Goode, **SB 541** and **SB 822**, with **SCS** (pending), were placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 921-By Rohrbach, Clay, Flotron, Jacob, McKenna, Wiggins, Goode, House, Scott, Russell, Howard, Klarich, Sims, Mueller, Kinder, Childers, Graves, Mathewson, Ehlmann, Johnson, Maxwell, Schneider, DePasco, Yeckel, Kenney and Bentley.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to telephone service for prison inmates.

SB 922-By House.

An Act to repeal sections 288.126 and 288.150, RSMo 1994, and sections 288.090, 288.130 and 288.160, RSMo Supp. 1997, relating to employment security, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 1186, regarding James H. Norris, Gladstone, which was adopted.

Senator Bentley offered Senate Resolution No. 1187, regarding the death of John W. Kidd, Springfield, which was adopted.

Senator Russell offered Senate Resolution No. 1188, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lester Franklin, Lebanon, which was adopted.

Senator Rohrbach offered the following resolution, which was read:

SENATE RESOLUTION NO. 1189

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate Chamber for beneficial purposes; and

WHEREAS, this year, the Downtown Rotary Club is sponsoring its annual Student Government Day, an event which will be highlighted by a meeting in the Senate Chambers at our State Capitol, where the students in attendance will be addressed by a representative of each of the three branches of government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, hereby grant the Jefferson City Rotary Club permission to use the Senate Chamber for the purpose of conducting Student Government Day on April 13, 1998.

Senator Rohrbach moved that the above resolution be adopted.

Senator Quick requested a roll call vote be taken. He was joined in his request by Senators Goode, Rohrbach, Russell and Singleton.

SR 1189 was adopted by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	Curls
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bentley	Ehlmann	Scott	Staples--4
Absent with leave--Senators			
Banks	Westfall--2		

THIRD READING OF SENATE BILLS

SB 579, introduced by Senator Russell, entitled:

An Act authorizing the governor to convey certain state property in Camden County.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 579** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Curls	Ehlmann--2		
Absent with leave--Senators			
Banks	Westfall--2		

The President Pro Tem declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SB 551, introduced by Senator Johnson, entitled:

An Act to repeal section 247.180, RSMo Supp. 1997, relating to elections, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 551** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell

Schneider
Staples

Scott
Wiggins
NAYS--Senators--None
Absent--Senator Curls--1
Absent with leave--Senators
Westfall--2

Sims
Yeckel--31

Singleton

Banks

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator House moved that **SB 780**, with **SA 7** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 7 was again taken up.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Bill No. 780, Page 2, Section A, Line 13, by inserting immediately after all of said line the following:

"160.522. 1. By July 1, 1996, the state board of education shall adopt a policy for the public reporting of information by school districts on an annual basis. The school district reports shall be distributed to all media outlets serving the district, and shall be made available to all district patrons, and to each member of the general assembly representing a legislative district which contains a portion of the school district.

2. The department of elementary and secondary education shall develop multiple reporting models which may be used by school districts for their public reports. The information reported shall include, but not be limited to, enrollment, rates of pupil attendance, high school dropout rate, staffing ratios, including the district ratio of students to all teachers, to administrators, and to classroom teachers, the average years of experience of professional staff and advanced degrees earned, student achievement as determined through the **currently used** assessment system [developed pursuant to section 160.518], student scores on the SAT or ACT, along with the percentage of students taking each test, average teachers' and administrators' salaries compared to the state averages, average salaries of noncertificated personnel compared to state averages, average per pupil expenditures for the district as a whole and for each building in the district which has pupils at the same grade level as another building in the district, voted and adjusted tax rates levied, assessed valuation, percent of the district operating budget received from state, federal, and local sources, extracurricular activities offered and the costs associated with each activity, the number of students eligible for free or reduced lunch, school calendar information, including the number of days and hours for student attendance, parent-teacher conferences, and staff development or in-service training, data on course offerings and rates of participation in parent-teacher conferences, special education programs, early childhood special education programs, parents as teachers programs, vocational education programs, gifted or enrichment programs, and advanced placement programs, data on the number of students continuing their education in postsecondary programs and information about job placement for students who complete district vocational education programs, and the district's most recent accreditation by the state board of

education, including measures for school improvement; **provided that no school district shall be required to report test scores disaggregated by race or ethnic group.**

3. The public reporting shall permit the disclosure of data on a school by school basis, but the reporting shall not be personally identifiable to any student or education professional in the state.

4. Beginning July 1, 1996, the annual report made by the state board of education pursuant to section 161.092, RSMo, shall include a summary of school districts accredited, provisionally accredited, and unaccredited under the Missouri school improvement program, including an analysis of standards met and not met, and an analysis of state program assessment data collected pursuant to section 160.526, describing the kinds of tasks students can perform."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Kinder offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Bill No. 780, Page 2, Section A, Line 13, by inserting immediately after all of said line the following:

"160.538. 1. By July 1, 1996, the state board of education shall develop a procedure and criteria for determining that a school in a school district is "academically deficient", **except that location shall not be a criterion used in determining which schools are academically deficient.** In making such a determination for any school, the state board of education shall consider the results for the school from the assessment system developed pursuant to the provisions of section 160.518, **or any existing assessment system currently in use,** together with the results from the education audit performed under subsection 2 of this section.

2. (1) Prior to a decision that a school is academically deficient, the state board of education shall appoint an audit team of at least ten persons to conduct an education audit of the school to determine the factors that have contributed to the lack of student achievement at the school as measured by the district assessment system and make a finding as to whether the school is academically deficient. The specific standards and implementation of the education audit shall be pursuant to rules adopted by the state board of education, **except that no standard may be used to find a school academically deficient until that school has been informed that the standard will be applied prior to the giving of the assessment to the students. Further, no standard shall be applied to any school in this state until and unless it is applied to every school in this state.**

(2) The audit team shall report its findings to the state board. If the audit team finds that the school is academically deficient, then the state board shall declare the school to be academically deficient.

(3) Following a decision that a school is academically deficient, the state board of education shall, within sixty days, appoint a management team of at least ten persons to conduct any necessary investigations and make any recommendations the team believes are appropriate for the administration and management of the school necessary to promote student achievement and any additional resources which are required. Funds shall be provided, upon appropriation, under subsection 2 of section 160.530 for the operation of the audit and management teams and resources needed in the district.

(4) In the appointment of the audit and management teams, the state board of education shall appoint such persons so that at least fifty percent of the team is composed of active classroom teachers at the elementary, middle or secondary level grades. Further, no more than two persons of said team may be employees of the department of elementary and secondary education. At least one member of the team shall be a public school superintendent from another district.

(5) The management team shall report its findings and recommendations to the state board within sixty school days. The commissioner of education shall, subject to availability of resources, provide resources to the district as recommended by the management team. The management team report may also include recommendations for one or more of the

following: conducting a recall election for each member of the district school board, suspension of indefinite contracts for certificated staff in the school and a one-year maximum length for new or renewal of contracts for the superintendent or the principal of the school. The education audit team shall reevaluate the school two years after the filing of the management team report. No recall election, suspension of indefinite contract or maximum contract length limit may be imposed unless the audit team determines that the school is still academically deficient.

(6) The commissioner of education shall, upon such recommendation by the management team and upon approval by the state board of education, but only in the case where the education audit team finds the school academically deficient in its reevaluation audit under subdivision (5) of this subsection, order an election in the district to be held for the purpose of conducting a recall election of all members of the district school board. The recall election shall be held on the next available election day thereafter as provided under section 115.123, RSMo, and shall be conducted pursuant to chapter 115, RSMo, except as otherwise provided herein.

3. (1) A district school board member of a district which contains a school declared academically deficient may be removed by the voters in a recall election. Such election shall be held upon the submission of a petition signed by voters of the district equal in number to at least twenty-five percent of the number of persons voting at the last preceding election to elect a district board member. The petition shall be filed with the election authority and the secretary of the district board of education, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

(2) Within ten days from the date of filing such petition the election authority shall examine and ascertain whether said petition is signed by the requisite number of voters; and he shall attach to the petition his certificate, showing the result of the examination. If the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The election authority shall, within ten days after such amendment, make like examination of the amended petition and, if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the election authority shall submit the same to the district board without delay. If the petition shall be found to be sufficient, the district board shall order the question to be submitted to the voters of the district.

(3) If a majority of the voters vote in favor of retaining the member, he shall remain in office and shall not be subject to another recall election during his term of office except as provided in subsection 2 of this section. If a majority of voters vote to remove the member, his successor shall be chosen as provided in section 162.261, RSMo.

4. Under subdivision (5) of subsection 2 of this section, a district board of education may suspend indefinite contracts and issue probationary contracts to all certificated staff in a school declared academically deficient. However, no such indefinite contract for any person may be suspended without providing the person an opportunity for a due process hearing, conducted according to the provisions of chapter 536, RSMo, and only after the school board demonstrates that the performance of the person's duties contributed to the school meeting the criteria for being declared academically deficient. The district board of any school which is declared academically deficient shall not issue new contracts or renew contracts to either the superintendent or the principal of the academically deficient school for a period of longer than one year. The provisions of other law to the contrary notwithstanding, a probationary teacher in a school declared academically deficient shall not be granted an indefinite contract until one year after such school is no longer determined to be academically deficient, and the probationary teacher meets all other requirements for permanent status required by law."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted.

Senator Ehlmann offered **SA 1** to **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Bill No. 780, Page 2, Section 160.538, Line 5, by adding after the word "standard", the following: "used to find a school academically deficient".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

SA 9, as amended, was again taken up.

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

Senator Jacob assumed the Chair.

Senator Kinder moved that **SA 9**, as amended, be adopted, which motion failed on a standing division vote.

Senator Mueller offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Bill No. 780, Page 12, Section 171.031, Line 4, by deleting lines 4 through 15 and inserting in lieu thereof the following: "**attendance. The opening date shall not be earlier than the last Monday of August and the Labor Day weekend shall consist of no less than 4 days for purposes of school attendance except in school districts in which schools are in session for 12 months of each calendar year.**".

Senator Mueller moved that the above amendment be adopted.

Senator Flotron offered **SSA 1** for **SA 10**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 10

Amend Senate Bill No. 780, Page 12, Section 171.031, Line 13, by adding before said line the following: "; and

(4) In school districts in which the Labor Day weekend consists of no less than 4 days for the purposes of school attendance."; and

Further amend said bill, section and page, line 10, by striking the word "and".

Senator Flotron moved that the above substitute amendment be adopted.

At the request of Senator Flotron, **SSA 1** for **SA 10** was withdrawn.

At the request of Senator Mueller, **SA 10** was withdrawn.

Senator Johnson offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Bill No. 780, Page 3, Section 162.411, Line 6, by inserting immediately after said line the following:

"163.011. As used in this chapter unless the context requires otherwise:

(1) "Adjusted gross income":

(a) "District adjusted gross income per return" shall be the total Missouri individual adjusted gross income in a school

district divided by the total number of Missouri income tax returns filed from the school district as reported by the state department of revenue for the second preceding year;

(b) "State adjusted gross income per return" shall be the total Missouri individual adjusted gross income divided by the total number of Missouri individual income tax returns, of those returns designating school districts, as reported by the state department of revenue for the second preceding year;

(c) "District income factor" shall be one plus thirty percent of the difference of the district income ratio minus one, except that the district income factor applied to the portion of the assessed valuation corresponding to any increase in assessed valuation above the assessed valuation of a district as of December 31, 1994, shall not exceed a value of one;

(d) "District income ratio" shall be the ratio of the district adjusted gross income per return divided by the state adjusted gross income per return;

(2) "Average daily attendance" means the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by resident pupils between the ages of five and twenty-one by the actual number of hours school was in session in that term. To the average daily attendance of the school term shall be added the full-time equivalent average daily attendance of summer school students. "Full-time equivalent average daily attendance of summer school students" shall be computed by dividing the total number of hours attended by all summer school pupils by the number of hours required in section 160.011, RSMo, in the school term. For purposes of determining average daily attendance under this subdivision, the term "resident pupil" shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district or is a regular employee of the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) "District's tax rate ceiling", the highest tax rate ceiling in effect subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling shall not contain any tax levy for debt service;

(4) "Eligible pupils" shall be the sum of the average daily attendance of the school term plus the product of two times the average daily attendance for summer school;

(5) "Equalized assessed valuation of the property of a school district" shall be determined by multiplying the assessed valuation of the real property subclasses specified in section 137.115, RSMo, times the percent of true value as adjusted by the department of elementary and secondary education to an equivalent sales ratio of thirty-three and one-third percent and dividing by either the percent of true value as determined by the state tax commission on or before March fifteenth preceding the fiscal year in which the valuation will be effective as adjusted by the department of elementary and secondary education to an equivalent sales ratio of thirty-three and one-third percent or the average percent of true value for the highest three of the last four years as determined and certified by the state tax commission, whichever is greater. To the equalized locally assessed valuation of each district shall be added the assessed valuation of tangible personal property. The assessed valuation of property which has previously been excluded from the tax rolls, which is being contested as not being taxable and which increases the total assessed valuation of the school district by fifty percent or more, shall not be included in the calculation of equalized assessed valuation under this subdivision;

(6) "Free and reduced lunch eligible pupil count", the number of pupils eligible for free and reduced lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations;

(7) "Guaranteed tax base" means the amount of equalized assessed valuation per eligible pupil guaranteed each school district by the state in the computation of state aid. To compute the guaranteed tax base, school districts shall be ranked annually from lowest to highest according to the amount of equalized assessed valuation per pupil. The guaranteed tax base shall be based upon the amount of equalized assessed valuation per pupil of the school district in which the ninety-

fifth percentile of the state aggregate number of pupils falls during the third preceding year and shall be equal to the state average equalized assessed valuation per eligible pupil for the third preceding year times two and one hundred and sixty-seven thousandths. The average equalized assessed valuation per pupil shall be the quotient of the total equalized assessed valuation of the state divided by the number of eligible pupils;

(8) "Membership" shall be the average of (1) the number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days and (2) the number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils. "Full-time equivalent number of part-time students" is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. "Full-time equivalent number of summer school pupils" is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011, RSMo, in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(9) **"Operating levy for school purposes" for districts making transfers pursuant to subsection 4 of section 165.011, RSMo, based upon amounts multiplied by the guaranteed tax base, or making transfers pursuant to subsection 7 of section 165.011, RSMo, or making payments or expenditures related to obligations made pursuant to section 177.088, RSMo, or any combination of such transfers, payments or expenditures,** means the sum of tax rates levied for teachers and incidental funds in the payment year and shall be, after all adjustments and equalization of the operating levy, no less than the minimum value required in section 163.021 for eligibility for increases in state aid as calculated pursuant to section 163.031 [and no greater than a maximum value of four dollars and sixty cents per one hundred dollars assessed valuation.], **and, for other districts, means the sum of tax rates levied for incidental, teachers, debt service and capital projects funds with no more than eighteen cents of the sum levied in the debt service and capital projects funds. Any portion of the operating levy for school purposes levied in the debt service and capital projects funds in excess of a sum of ten cents must be authorized by a vote of the people, after August 28, 1993, approving an increase in the operating levy, or a full waiver of the rollback pursuant to section 164.013, RSMo, with a tax rate ceiling in excess of the minimum tax rate or an issuance of general obligation bond. In no case shall the operating levy for school purposes for use in section 163.031 be greater than a maximum value of four dollars and sixty cents per one hundred dollars assessed valuation.** To equalize the operating levy, multiply the aggregate tax rates for teachers, incidental, and building funds by either the percent of true value, as determined by the state tax commission on or before March fifteenth preceding the fiscal year in which the evaluation will be effective as adjusted by the department of elementary and secondary education to an equivalent sales ratio of thirty-three and one-third percent, or the average percent of true value for the highest three of the last four years as determined and certified by the state tax commission, whichever is greater, and divide by the percent of true value as adjusted by the department of elementary and secondary education to an equivalent sales ratio of thirty-three and one-third percent, provided that for any district for which the equivalent sales ratio is equal to or greater than thirty-three and one-third percent, the equalized operating levy shall be the adjusted operating levy. For any county in which the equivalent sales ratio is less than thirty-one and two-thirds percent, the state tax commission shall conduct a second study in that county and shall use a sample at least twice as large as the one originally used. If the new ratio is higher than the original ratio provided by this subdivision, the new ratio shall be used for the purposes of this subdivision and for determining equalized assessed valuation pursuant to subdivision (5) of this section. For the purposes of calculating state aid pursuant to section 163.031, for any district which has not enacted a voluntary tax rate rollback nor increased the amount of a voluntary tax rate rollback from the previous year's amount, the tax rate used to determine a district's entitlement shall be adjusted so that any decrease in the entitlement due to a decrease in the tax rate resulting from the reassessment shall equal the decrease in the deduction for the assessed valuation of the district as a result of the change in the tax rate due to reassessment. The tax rate adjustments required under this subdivision due to reassessment shall be cumulative and shall be applied each year to determine the tax rate used to calculate the entitlement; except that whenever the actual current operating levy exceeds the tax rate calculated pursuant to this subdivision for the purpose of determining the district's entitlement, then the prior tax rate adjustments required under this subdivision due to reassessment shall be eliminated and shall not be applied in determining the tax rate used to calculate the district entitlement;

(10) "School purposes" pertains to teachers and incidental funds;

(11) "Teacher" means any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(12) "Adjusted operating levy", the sum of tax rates for the current year for teachers and incidental funds for a school district as reported to the proper officer of each county pursuant to section 164.011, RSMo;

(13) "Current operating costs", all expenditures for instruction and support services excluding capital outlay and debt service expenditures less the revenue from federal categorical sources, food service, student activities and payments from other districts.

163.021. 1. A school district shall receive state aid for its education program only if it:

(1) Provides for a minimum of one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section 160.041, RSMo, for each pupil or group of pupils, except that the board shall provide a minimum of one hundred seventy-four days and five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils. If any school is dismissed because of inclement weather after school has been in session for three hours, that day shall count as a school day including afternoon session kindergarten students. When the aggregate hours lost in a term due to inclement weather decreases the total hours of the school term below the required minimum number of hours by more than twelve hours for all day students or six hours for one-half day kindergarten students, all such hours below the minimum must be made up in one-half day or full day additions to the term, except as provided in section 171.033, RSMo;

(2) Maintains adequate and accurate records of attendance, personnel and finances, as required by the state board of education, which shall include the preparation of a financial statement which shall be submitted to the state board of education the same as required by the provisions of section 165.111, RSMo, for districts;

(3) Levies an operating levy for school purposes of not less than one dollar and twenty-five cents after all adjustments and reductions on each one hundred dollars assessed valuation of the district;

(4) Computes average daily attendance as defined in subdivision (2) of section 163.011 as modified by section 171.031, RSMo. Whenever there has existed within the district an infectious disease, contagion, epidemic, plague or similar condition whereby the school attendance is substantially reduced for an extended period in any school year, the apportionment of school funds and all other distribution of school moneys shall be made on the basis of the school year next preceding the year in which such condition existed.

2. [No school district shall receive more state aid, as calculated in section 163.031, for its education program than it received per eligible pupil for the school year 1990-91, unless it levies an operating levy for school purposes of not less than two dollars after all adjustments and reductions beginning with the tax year which commences January 1, 1993. For the 1994-95] **Beginning with the tax year which commences January 1, 1998, and for the 1998-99** school year and subsequent **tax and** school years, no school district shall receive more state aid, as calculated under section 163.031 for its education program, exclusive of categorical add-ons, than it received per eligible pupil for the school year 1993-94, unless it has an operating levy for [current] school purposes, **as determined pursuant to section 163.011**, of not less than two dollars and seventy-five cents after all adjustments and reductions [beginning with the tax year which commences January 1, 1994], **with no more than ten cents of this tax rate levied in the debt service and capital projects funds and eligible for entry on line 1 of the state school aid formula contained in subsection 6 of section 163.031**; except that, beginning in the 1997-98 school year, any district which is required, pursuant to article X, section 22 of the Missouri Constitution, to reduce its operating levy below the minimum tax rate otherwise required under this subsection shall not be construed to be in violation of this subsection for making such tax rate reduction. Pursuant to section 10(c) of article X of the state constitution, a school district may levy the operating levy for school purposes required by this subsection less all adjustments required pursuant to article X, section 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. Nothing in this section shall be

construed to mean that a school district is guaranteed to receive an amount not less than the amount the school district received per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply to any school district located in a county of the second classification which has a nuclear power plant located in such district or to any school district located in a county of the third classification which has an electric power generation unit with a rated generating capacity of more than one hundred fifty megawatts which is owned or operated or both by a rural electric cooperative except that such school districts may levy for current school purposes and capital projects an operating levy not to exceed two dollars and seventy-five cents less all adjustments required pursuant to article X, section 22 of the Missouri Constitution.

3. No school district shall receive more state aid, as calculated in section 163.031, for its education program, exclusive of categorical add-ons, than it received per eligible pupil for the school year 1993-1994, if the state board of education determines that the district was not in compliance in the preceding school year with the requirements of section 163.172, until such time as the board determines that the district is again in compliance with the requirements of section 163.172.

4. The department of elementary and secondary education shall evaluate the correlation between district tax rates and district assessed valuation per pupil following each biennial property tax reassessment and shall report its findings to the governor and the general assembly by December first of the year following each reassessment. The findings shall include a calculation of the minimum required property tax rate necessary to maintain a correlation of zero or less between district property tax rate and district assessed valuation per pupil and a report of assessed valuation per pupil and district property tax rate for all districts.

5. No school district shall receive state aid, pursuant to section 163.031, if such district was not in compliance, during the preceding school year, with the requirement, established pursuant to section 160.530, RSMo, to allocate revenue to the professional development committee of the district.

6. No school district shall receive more state aid, as calculated in section 163.031, for its education program, exclusive of categorical add-ons, than it received per eligible pupil for the school year 1993-1994, if the district did not comply in the preceding school year with the requirements of subsection 7 of section 163.031.

7. No school district shall receive state aid, pursuant to section 163.031, if the district failed to make a required payment in the preceding year to the school building revolving fund pursuant to section 166.300, RSMo."; and

Further amend said bill and page, section 164.221, line 11, by inserting immediately after said line the following:

"165.011. 1. The following funds are created for the accounting of all school moneys: teachers' fund, incidental fund, free textbook fund, capital projects fund and debt service fund. The treasurer of the school district shall open an account for each fund specified in this section, and all moneys received from the county school fund and all moneys derived from taxation for teachers' wages shall be placed to the credit of the teachers' fund. All tuition fees, state moneys received under sections 162.975, RSMo, and 163.031, RSMo, and all other moneys received from the state except as herein provided shall be placed to the credit of the teachers' and incidental funds at the discretion of the district board of education. **The portion of state aid received by the district pursuant to section 163.031, RSMo, based upon the portion of the tax rate in the debt service or capital projects funds, respectively, which is included in the operating levy for school purposes pursuant to section 163.011, RSMo, shall be placed to the credit of the debt service fund or capital projects fund, respectively.** Money received from other districts for transportation, and money derived from taxation for incidental expenses shall be credited to the incidental fund. Money apportioned for free textbooks shall be credited to the free textbook fund. All money derived from taxation or received from any other source for the erection of buildings or additions thereto and the remodeling or reconstruction of buildings and the furnishing thereof, for the payment of lease purchase obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other buildings of any kind, or school furniture, from insurance, from sale of bonds other than refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived from the sale or lease of sites, buildings, facilities, furnishings and equipment by a school district as authorized under section 177.088, RSMo, shall be credited to the capital projects fund. Money derived from taxation for the retirement of bonds and the payment of interest thereon shall be credited to the debt service fund which shall be maintained as a separate bank account. Receipts from delinquent taxes shall be allocated to the several funds on the same basis as receipts from current taxes,

except that where the previous years' obligations of the district would be affected by such distribution, the delinquent taxes shall be distributed according to the tax levies made for the years in which the obligations were incurred. All refunds received shall be placed to the credit of the fund from which the original expenditures were made. Money donated to the school districts shall be placed to the credit of the fund where it can be expended to meet the purpose for which it was donated and accepted. Money received from any other source whatsoever shall be placed to the credit of the fund or funds designated by the board.

2. The school board may expend from the incidental fund the sum that is necessary for the ordinary repairs of school property and an amount not to exceed the sum of expenditures for classroom instructional capital outlay, as defined by the department of elementary and secondary education by rule, in state-approved area vocational-technical schools and .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year for classroom instructional capital outlay, including but not limited to payments authorized pursuant to section 177.088, RSMo. Any and all payments authorized under section 177.088, RSMo, except as otherwise provided in this subsection, for the purchase or lease of sites, buildings, facilities, furnishings and equipment and all other expenditures for capital outlay shall be made from the capital projects fund. If a balance remains in the free textbook fund after books are furnished to pupils as provided in section 170.051, RSMo, it shall be transferred to the teachers' fund. The board may transfer the portion of the balance remaining in the incidental fund to the teachers' fund that is necessary for the total payment of all contracted obligations to teachers. If a balance remains in the debt service fund, after the total outstanding indebtedness for which the fund was levied is paid, the board may transfer the unexpended balance to the capital projects fund. If a balance remains in the bond proceeds after completion of the project for which the bonds were issued, the balance shall be transferred from the incidental or capital projects fund to the debt service fund. After making all placements of interest otherwise provided by law, a school district may transfer from the capital projects fund to the incidental fund the interest earned from undesignated balances in the capital projects fund.

3. Tuition shall be paid from either the teachers' or incidental funds.

4. Other provisions of law to the contrary notwithstanding, the school board of a school district that satisfies the criteria specified in subsection 5 of this section may transfer from the incidental fund to the capital projects fund an amount not to exceed the greater of zero or the sum of .18 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year and the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year and any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools and an amount not to exceed .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year less any amount transferred pursuant to subsection 7 of this section, provided that any amount transferred pursuant to this subsection shall only be transferred as necessary to satisfy obligations of the capital projects fund less any amount expended from the incidental fund for classroom instructional capital outlay pursuant to subsection 2 of this section. For the purposes of this subsection, the guaranteed tax base and a district's count of resident and nonresident eligible pupils educated in the district shall not be less than their respective values calculated from data for the 1992-93 school year.

5. In order to transfer funds pursuant to subsection 4 of this section, a school district shall:

(1) Meet the minimum criteria for state aid and for increases in state aid for the current year established pursuant to section 163.021, RSMo;

(2) Not incur a total debt, including short-term debt and bonded indebtedness in excess of ten percent of the guaranteed tax base for the preceding payment year multiplied by the number of resident and nonresident eligible pupils educated in the district in the preceding year;

(3) Set tax rates pursuant to section 164.011, RSMo;

(4) First apply any voluntary rollbacks or reductions to the total tax rate levied to the teachers' and incidental funds;

(5) In order to be eligible to transfer funds for paying lease purchase obligations:

(a) Incur such obligations, except for obligations for lease purchase for school buses, prior to January 1, 1997;

(b) Limit the term of such obligations to no more than twenty years;

(c) Limit annual installment payments on such obligations to an amount no greater than the amount of the payment for the first full year of the obligation, including all payments of principal and interest, except that the amount of the final payment shall be limited to an amount no greater than two times the amount of such first-year payment;

(d) Limit such payments to leasing nonathletic, classroom, instructional facilities as defined by the state board of education through rule; and

(e) Not offer instruction at a higher grade level than was offered by the district on July 12, 1994.

6. A school district shall be eligible to transfer funds pursuant to subsection 7 of this section if:

(1) Prior to August 28, 1993:

(a) The school district incurred an obligation for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo;

(b) The school district notified the appropriate local election official to place an issue before the voters of the district for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo; or

(c) An issue for funding payments under a lease purchase contract authorized under section 177.088, RSMo, was approved by the voters of the district; or

(2) Prior to November 1, 1993, a school board adopted a resolution authorizing an action necessary to comply with subsection 9 of section 177.088, RSMo. Any increase in the operating levy of a district above the 1993 tax rate resulting from passage of an issue described in paragraph (b) of subdivision (1) of this subsection shall be considered as part of the 1993 tax rate for the purposes of subsection 1 of section 164.011, RSMo.

7. Prior to transferring funds pursuant to subsection 4 of this section, a school district may transfer, pursuant to this subsection, from the incidental fund to the capital projects [funds] **fund** an amount as necessary to satisfy an obligation of the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, but not to exceed its payments authorized under section 177.088, RSMo, for the purchase or lease of sites, buildings, facilities, furnishings, equipment, and all other expenditures for capital outlay, plus the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year plus any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools. A school district with a levy for school purposes no greater than the minimum levy specified in section 163.021, RSMo, and an obligation in the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, may transfer from the incidental fund to the capital projects fund the amount necessary to meet the obligation plus the transfers pursuant to subsection 4 of this section.

8. Beginning in the 1995-96 school year, the department of elementary and secondary education shall deduct from a school district's state aid calculated pursuant to section 163.031, RSMo, an amount equal to the amount of any transfer of funds from the incidental fund to the capital projects fund performed during the previous year in violation of this section.

9. On or before June 30, 1995, a school district may transfer to the capital projects fund from the balances of the teachers' and incidental funds any amount, but only to the extent that the teachers' and incidental fund unrestricted balances on June 30, 1995, are equal to or greater than eight percent of expenditures from the teachers' and incidental

funds for the year ending June 30, 1995.

10. In addition to other transfers authorized under subsections 1 to 9 of this section, a district may transfer from the teachers' and incidental funds to the capital projects fund the amount necessary to repay costs of one or more guaranteed energy savings performance contracts to renovate buildings in the school district; provided that the contract is only for energy conservation measures, as defined in section 640.651, RSMo, and provided that the contract specifies that no payment or total of payments shall be required from the school district until at least an equal total amount of energy and energy-related operating savings and payments from the vendor pursuant to the contract have been realized by the school district."; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Bill No. 780, Page 12, Section 171.031, Line 12, by adding in lieu of the "." the following:

"(4) In school districts whose opening date is not earlier than the last Monday in August and the Labor Day weekend consists of no less than 4 days for purposes of school attendance.".

Senator Flotron moved that the above amendment be adopted.

At the request of Senator Flotron, **SA 12** was withdrawn.

On motion of Senator House, **SB 780**, as amended, was declared perfected and ordered printed.

SJR 21 was placed on the Informal Calendar.

Senator Bentley moved that **SB 724** be taken up for perfection, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Rohrbach offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 724, Page 2, Section 143.183, Line 35, by adding at the end of said line the following: "After December 31, 2008, the Missouri arts council shall no longer be eligible to receive general revenue appropriations.".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Bentley, **SB 724**, as amended, was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 13, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael R. Seever, C.C.P., 6217 N.E. Normandy, Gladstone, Clay County, Missouri 64118, as a member of the Advisory Commission for Clinical Perfusionists, for a term ending February 13, 2003, and until his successor is duly appointed and qualified; vice, RSMo 324.177.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 13, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dawn E. Gaines, 2109 Butterfield Court, Maryland Heights, St. Louis County, Missouri 63043, as a member of the Advisory Commission for Clinical Perfusionists, for a term ending February 13, 2002, and until her successor is duly appointed and qualified; vice, RSMo 324.177.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 13, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Judith Steffen-Drake, 3443 South Kings Avenue, Springfield, Greene County, Missouri 65807, as a member of the Advisory Commission for Clinical Perfusionists, for a term ending February 13, 1999, and until her successor is duly appointed and qualified; vice, RSMo 324.177.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 17, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Gregory M. Weaver, R.N., C.C.P. for the Advisory Commission for Clinical Perfusionists, submitted to you on February 13, 1998. Line 3 should be amended to read:

Commission for Clinical Perfusionists, for a term ending February 13, 2000

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 17, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Jeanne R. Rhoades for the Advisory Commission for Clinical perfusionists, submitted to you on February 13, 1998. Line 3 should be amended to read:

for Clinical Perfusionists, for a term ending February 13, 2001

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 17, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Russell E. Dayton for the Advisory Commission for Clinical Perfusionists, submitted to you on February 13, 1998. Line 3 should be amended to read:

for Clinical Perfusionists, for a term ending February 13, 2004

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 17, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Yolanda Lorge for the Advisory Commission for Clinical Perfusionists, submitted to you on February 13, 1998. Line 3 should be amended to read:

Clinical Perfusionists, for a term ending February 13, 2004, and until

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments and addendums to the Committee on Gubernatorial Appointments.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 923-By Scott and Mathewson.

An Act to repeal sections 91.025, 393.140, 393.190, 393.260, 393.270, 394.020 and 394.160, RSMo 1994, and sections 386.020 and 386.250, RSMo Supp. 1997, relating to regulation of electric utilities, and to enact in lieu thereof forty-four new sections relating to the same subject.

SB 924-By Kinder.

An Act to repeal section 509.290, RSMo 1994, and to enact in lieu thereof two new sections for the purpose of requiring the courts of this state to apply the doctrine of forum nonconveniens in civil cases.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which were referred **SB 846** and **SB 847**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator McKenna offered Senate Resolution No. 1190, regarding Ronald Ravenscraft, Hillsboro, which was adopted.

Senator Singleton offered Senate Resolution No. 1191, regarding Shonda Ireland, Neosho, which was adopted.

Senator Graves offered Senate Resolution No. 1192, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Willard Martin, Maysville, which was adopted.

Senator Graves offered Senate Resolution No. 1193, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Elmer Mires, which was adopted.

Senator Graves offered Senate Resolution No. 1194, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. W. R. "Pete" Smith, Laclede, which was adopted.

Senator Graves offered Senate Resolution No. 1195, regarding the Seventy-fifth Wedding Anniversary of Mr. and Mrs. John Pickering, Denver, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Yeckel introduced to the Senate, Tom Francel, M.D., and his children, Katya, Mikey and Nicholas, St. Louis County; and Katya, Mikey and Nicholas were made honorary pages.

Senator Scott introduced to the Senate, Dick Beumer, Dick Fleming, Greg Sullivan, St. Louis County; and Mayor Clarence Harmon, St. Louis.

Senator House introduced to the Senate, Laurie

French and her son, Bobby, St. Charles; and Bobby was made an honorary page.

Senator Caskey introduced to the Senate, Tammy Miller, and members of the Pleasant Hill High School Debate Team, Pleasant Hill.

Senator Yeckel introduced to the Senate, Girl Scout Troop 495 from St. Catherine Laboure Catholic School, St. Louis

County; and Sarah Sandroni, Caitlin Andreasen, Diane Kohnen and Kristin House were made honorary pages.

Senator Maxwell introduced to the Senate, Dawn Smithee, Auxvasse; Beverly Oster, Rolla; and Tammy Linhardt, Columbia.

Senator Lybyer introduced to the Senate, Justin Mutrux, Stephen Cooper, Patty Fortune, Janet Mohrman, and eighth grade students from Raymondville.

Senator Childers introduced to the Senate, Vince McCorksy, Marvin Hatley, and thirty-four students from Willow Springs High School, Willow Springs.

On behalf of Senator Caskey, the President introduced to the Senate, Joan Turek, Sharon Jennings, Troop 513, Troop 400, Pack 400 and Den 1 from Warrensburg; and Ken Jennings, Jimmy Gai, Robert Turek, Darin Shreeves, Evan Schick, Shawn Gabel, Chris Dandurand, Kevin Forsman, Chris Post, Joey Audsley, Joe Jennings and Ryan Turek were made honorary pages.

Senator Bentley introduced to the Senate, Nancy Brown and Sam Freeman, Springfield.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FIFTH DAY--WEDNESDAY, FEBRUARY 18, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Dear Lord, help us to know our strengths, weaknesses, capabilities and our limits. Help us to live within these boundaries and to inspire others to do the same. Use us as we seek to work together sharing with and caring for one another. Give to us a sense of what is right, a commitment to do the right thing and the courage of our convictions. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Quick, joined by the entire membership of the Senate, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1196

WHEREAS, the members of the Missouri Senate enjoy a long, proud tradition of acknowledging milestones attained by those organizations which have played critical roles in the overall health and general well-being of this nation's citizens; and

WHEREAS, the March of Dimes Birth Defects Foundation is observing its Sixtieth Anniversary this year as a voluntary health organization which consistently strives to ensure healthy lives for America's children; and

WHEREAS, the history of the March of Dimes dates back to its founding in 1938 when thousands of individuals selflessly volunteered to help raise

funds for the purpose of supporting the development of a vaccine to eliminate polio and the crippling effects which that dread disease had on the population; and

WHEREAS, the March of Dimes enjoys the distinction of being the only national voluntary health agency that has succeeded in defeating the disease it had been established to conquer; and

WHEREAS, during the past four decades, the March of Dimes has distinguished itself as a pioneer in protecting babies from birth defects, low birth weight, and infant death through research, education, community services, and advocacy; and

WHEREAS, those researchers who have received funds from the March of Dimes have made incredible discoveries that have impacted on the lives of all children born in the United States, achievements for which they have been awarded a total of ten Nobel Prizes; and

WHEREAS, the March of Dimes is deeply indebted to the countless citizens who have volunteered their time, energy, and ability to enable the organization to pursue its mission with such a phenomenal degree of success; and

WHEREAS, the March of Dimes and its more than three million current volunteers are to be commended for their continuing endeavors to set ambitious goals for unremitting breakthroughs in maternal and infant health:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, join unanimously in applauding the March of Dimes upon the occasion of its Sixtieth Anniversary and in extending best wishes for even greater accomplishments as we prepare to face the challenges of the twenty-first century; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the March of Dimes.

THIRD READING OF SENATE BILLS

SB 658, introduced by Senator Caskey, entitled:

An Act to repeal sections 164.011 and 165.011, RSMo Supp. 1997, relating to school funds, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 658** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Wiggins--29			
NAYS--Senators--None			
Absent--Senators			
Clay	Curls	House	Yeckel--4
Absent with leave--Senator Westfall--1			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers

DePasco	Ehlmann	Flotron	Goode
Graves	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Wiggins--29			

NAYS--Senators--None

Absent--Senators

Clay	Curls	House	Yeckel--4
	Absent with leave--Senator Westfall--1		

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 588, introduced by Senator Caskey, entitled:

An Act to repeal section 178.930, RSMo Supp. 1997, relating to funding for sheltered workshops, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 588** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
DePasco	Flotron	Goode	Graves
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Wiggins--27	

NAYS--Senator Rohrbach--1

Absent--Senators

Clay	Curls	Ehlmann	House
Yeckel--5			

Absent with leave--Senator Westfall--1

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

SB 553, introduced by Senator Bentley, entitled:

An Act to repeal section 167.223, RSMo 1994, relating to postsecondary course options, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Bentley, **SB 553** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Wiggins--29			
NAYS--Senators--None			
Absent--Senators			
Clay	Curls	House	Yeckel--4
Absent with leave--Senator Westfall--1			

The President Pro Tem declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SB 488, introduced by Senator Goode, entitled:

An Act to repeal sections 21.570 and 162.857, RSMo Supp. 1997, relating to special school districts and vocational education, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 488** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Curls--1			
Absent with leave--Senator Westfall--1			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Singleton
Staples	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Curls	Sims--2		
	Absent with leave--Senator Westfall--1		

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 629**, with **SCAs 1** and **2**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Goode moved that the above amendment be adopted.

Senator Goode offered **SA 1** to **SCA 2**, which was read:

SENATE AMENDMENT NO. 1 TO SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Committee Amendment No. 2 to Senate Bill No. 629, Page 158, Column 1 of the Senate Journal for February 5, 1998, Line 41, by inserting after the word "member." the following: "**The governing body of the municipality shall establish the terms of office of the governing commission or advisory board members, and no member shall serve more than three consecutive terms.**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

SCA 2, as amended, was again taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 629, Page 16, Section 67.1663, Line 4, by inserting immediately after all of said line the following:

"Section 1. For any business exempted from the assessment and levy of property tax pursuant to section 172.273, RSMo, and located in a county of the first classification with a charter form of government and with a population of at least two hundred thousand inhabitants but less than six hundred thousand inhabitants, the provisions of subsections 3 and 8 of section 172.273, RSMo, shall expire on January 1, 2009."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Goode raised the point of order that **SA 1** is out of order in that the amendment goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 was again taken up.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Staples assumed the Chair.

On motion of Senator Goode, **SB 629**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1014**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1998.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 917--Local Government and Economic Development.

SB 918--Appropriations.

SB 919--Ways and Means.

SB 920--Commerce and Environment.

SB 921--Commerce and Environment.

SB 922--Labor and Industrial Relations.

SB 923--Commerce and Environment.

On motion of Senator Quick, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Staples.

THIRD READING OF SENATE BILLS

SB 756, introduced by Senator Sims, entitled:

An Act to repeal section 105.271, RSMo 1994, and section 453.015, RSMo Supp. 1997, relating to employee leave for stepparents, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Sims, **SB 756** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Jacob	Kenney
Kinder	Klarich	Lybyer	Mathewson
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Banks	House	Howard	Johnson
Maxwell--5			
Absent with leave--Senator McKenna--1			

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 657** be taken up for perfection, which motion prevailed.

Senator Caskey offered **SS** for **SB 657**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 657

An Act to repeal section 287.815, RSMo 1994, and section 287.812, RSMo Supp. 1997, relating to certain retirement

systems, and to enact in lieu thereof two new sections relating to the same subject.

Senator Caskey moved that **SS** for **SB 657** be adopted.

Senator Caskey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 657, Page 4, Section 287.815, Line 21, by inserting after "service." on said line: "**Persons appointed under section 621.105, RSMo, shall be required to have served a majority of a term in order to qualify for benefits pursuant to sections 287.812 to 287.855.**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Caskey moved that **SS** for **SB 657**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SS** for **SB 657**, as amended, was declared perfected and ordered printed.

Senator Caskey moved that **SB 625**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 625**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 625

An Act to repeal sections 190.100, 190.105, 190.110, 190.115, 190.120, 190.125, 190.130, 190.140, 190.141, 190.150, 190.155, 190.160, 190.165, 190.171, 190.175, 190.180 and 190.190, RSMo 1994, and sections 190.145 and 190.185, RSMo Supp. 1997, relating to emergency services, and to enact in lieu thereof seventeen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Caskey moved that **SCS** for **SB 625** be adopted.

Senator Quick offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 625, Page 1, Section 190.100, Line 1, by inserting immediately before said section the following:

"190.044. 1. No taxpayer shall be required to pay property taxes for ground ambulance service to both an ambulance district and a fire protection district which operates a ground ambulance service, unless reaffirmed and authorized pursuant to this section. In the event that a taxpayer in a third class county is paying taxes to both entities to provide ground ambulance service, any taxpayer residing in the area subject to the double tax may file a petition with the county clerk in which the area, or greatest part thereof, is situated requesting that the double tax be eliminated and that the area only pay a tax to one entity.

2. Upon receipt of such petition, the county clerk shall determine the area taxed by two such entities and place the question before the voters of such area at the next state or municipal election. The petition shall request that the following question be submitted to the voters residing within the geographic limits of the area:

The (description of area) is currently paying a tax to provide ambulance service to the

. (name of entity created first) and the (name of entity created second). As a result, shall the tax paid to provide ambulance service to the (name of entity created second) be eliminated?

[] Yes [] No

3. If a majority of the votes cast are in favor of the elimination of the tax levied and collected by the entity providing ambulance service, then the remaining entity will be declared as the single taxing entity for the area in question. The taxpayers within the area shall thereafter only pay one tax to the remaining entity following a three-year period, over which the tax rate levied and collected shall be decreased by one-third each year until such tax is no longer levied or collected by the entity whose tax was proposed for elimination by the petition. If a majority of the votes cast are opposed to the elimination of the tax, then the tax shall be reaffirmed.

4. All costs incurred by the county clerk as a result of this section, including election costs, shall be paid by the entity whose tax was proposed for termination by the petition.

5. The boundaries and service area of the entities providing ambulance service will reflect the change as determined by the election."; and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 625, Page 26, Section 190.199, Line 20, by inserting immediately after said line the following:

"321.227. 1. Any fire protection district that provides emergency ambulance service pursuant to section 321.225 may, in addition to its other powers and duties, provide primary ambulance service within its district if a majority of the voters voting thereon approve a proposition to replace emergency ambulance service with primary ambulance service and to use the tax originally levied to fund emergency ambulance service to fund the emergency ambulance service and a fee approved by the voters of the district for the non-emergency ambulance service. The district shall exercise the same powers and duties in operating a primary ambulance service as it does in operating its fire protection service.

2. The proposition to replace emergency ambulance service with primary ambulance service may be submitted by the board of directors at any municipal general, primary or general election or at any election of the members of the board.

3. The question shall be submitted in substantially the following form:

Shall the board of directors of Fire Protection District be authorized to replace the emergency ambulance service within the district with primary ambulance service within the district using the existing tax levy for emergency service and a fee of for non-emergency ambulance service? Primary ambulance service means the regular activity by a qualified ambulance service for the purpose of providing rapid response and prehospital emergency and non-emergency services including but not limited to, patient assessment, patient treatment, patient preparation for transport and patient transport to appropriate health care facilities.

4. If a majority of the voters casting votes thereon be in favor of primary ambulance service and the use of the existing levy and the non-emergency service fee, the district shall forthwith commence such service.

5. As used in this section, "primary" means the regular activity by a qualified ambulance service for the purpose of providing rapid response and prehospital emergency and non-emergency services including but not limited to,

patient assessment, patient treatment, patient preparation for transport and patient transport to appropriate health care facilities."; and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted.

At the request of Senator Caskey, **SB 625**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **SB 475**; and **SCS** for **SBs 532, 806** and **633**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 780**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

SCS for **SBs 532, 806** and **633**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 532, 806 and 633

An Act to repeal sections 195.211, 195.222, 195.223, 195.420, 195.509, 311.720, 542.276, 568.045 and 569.085, RSMo 1994, and sections 195.010 and 195.400, RSMo Supp. 1997, and to enact in lieu thereof fourteen new sections relating to controlled substances, with penalty provisions.

Was taken up by Senator Wiggins.

On motion of Senator Wiggins, **SCS** for **SBs 532, 806** and **633** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Curls	Staples--2		
Absent with leave--Senator McKenna--1			

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SCS for **SB 475**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 475

An Act to repeal sections 210.211, 210.245, 210.251, 210.252, 210.256, 210.516 and 610.120, RSMo 1994, and sections 43.540, 210.150 and 210.221, RSMo Supp. 1997, relating to the care or supervision of children, and to enact in lieu thereof twenty new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Banks.

Senator Mathewson assumed the Chair.

Senator Banks moved that **SCS** for **SB 475** be read the 3rd time and finally passed, which motion failed to receive a constitutional majority by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Clay
DePasco	Goode	House	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Schneider	Scott	Sims
Wiggins--17			

NAYS--Senators

Childers	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Lybyer
Mueller	Rohrbach	Russell	Singleton
Staples	Westfall	Yeckel--15	

Absent--Senator Curls--1

Absent with leave--Senator McKenna--1

SENATE BILLS FOR PERFECTION

At the request of Senator Johnson, **SB 675**, **SB 483**, **SB 490** and **SB 564**, with **SCS**, were placed on the Informal Calendar.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

At the request of Senator Quick, **SB 632**, with **SCS**, was placed on the Informal Calendar.

SB 650 was placed on the Informal Calendar.

At the request of Senator Banks, **SB 754**, with **SCS**, was placed on the Informal Calendar.

Senator Caskey moved that **SB 753**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 753**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 753

An Act to repeal section 168.071, RSMo 1994, relating to certification of teachers, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **SB 753** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 753** was declared perfected and ordered printed.

Senator Staples moved that **SB 883**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Staples offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 883, Page 2, Section 226.008, Line 42, by inserting after the word "work" the following: **"completed"**; and

Further amend said bill, page and section, line 43, by inserting after all of said line the following:

"(5) The current status of the Fifteen Year Road and Bridge Program adopted in January, 1992, including the original project estimates and the final project costs;

(6) The reasons for any significant cost increases or decreases on highway and bridge construction projects completed in the preceding state fiscal year. The final cost of the projects shall be compared with the original cost estimates. The reasons shall include the amounts resulting from inflation, department-wide design changes, changes in project scope and federal mandates. A significant cost increase or decrease shall be one that varies from the original estimate by ten percent or more and which totals one hundred thousand dollars or more;"; and

Further amend said bill, page and section, line 44, by striking "(5)" and inserting **"(7)"** in lieu thereof; and further on line 45 by striking "and"; and further on line 46 by striking "(6)" and inserting **"(8)"** in lieu thereof; and further on line 46 by striking the period "." and inserting in lieu thereof the following: **"and;**

(9) Any further information specifically requested by the joint committee on transportation oversight."; and

Further amend said bill, page 3, section 226.040, line 27, by striking the word "registered" as it first appears on said line.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 883, Page 1, Section 226.008, Line 3, by inserting immediately before the word "transportation" the following: **"standing"**.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 883, Page 1, Section 226.008, Lines 11-12, by deleting the words ", the director of the oversight division of the committee on legislative research," on said line; and further amend said bill, line 13, by deleting the word ", director".

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 3** was withdrawn.

Senator Wiggins assumed the Chair.

Senator Staples offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 883, Page 1, Section 226.008, Line 12, by striking the word "officer" and inserting in lieu thereof the word "**office**".

Senator Staples moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **SB 883**, as amended, was declared perfected and ordered printed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 925-By Scott.

An Act to repeal section 87.371, RSMo Supp. 1997, relating to the firefighter's retirement system of the City of St. Louis, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 926-By Singleton, Westfall and Childers.

An Act to repeal section 169.056, as both versions appear in RSMo Supp. 1997, relating to public school retirement, and to enact in lieu thereof one new section relating to the same subject.

SB 927-By Bentley.

An Act to repeal section 135.200, RSMo Supp. 1997, relating to revenue producing enterprises for enterprise zones, and to enact in lieu thereof one new section relating to the same subject.

SB 928-By House and Ehlmann.

An Act to authorize the conveyance of state property to the city of St. Peters.

SB 929-By Caskey, Howard, Lybyer, Quick, Staples and Maxwell.

An Act to repeal sections 188.015, 188.030, 188.035, 188.075 and 565.021, RSMo 1994, and to enact in lieu thereof six new sections relating to banning partial birth abortions, with penalty provisions.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 629**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 584**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 765**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Lybyer offered Senate Resolution No. 1197, regarding Mr. Pat O. Adams, Fulton, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator McKenna, the President introduced to the Senate, Steve Rupp, Katherine Hayes, Linda Sherwin, and a delegation from the Missouri Chapter of the March of Dimes.

Senator Lybyer introduced to the Senate, former State Representative Gordon Summers, his wife, Virginia and their grandson, Matthew McCullough, Sullivan.

Senator Russell introduced to the Senate, Raymond Caffey and Bob Young, Lebanon.

Senator Howard introduced to the Senate, Steve McPheeters and Mike Pavlos, New Madrid.

Senator Singleton introduced to the Senate, Kay and Dan Baum, Newton County.

Senator Sims introduced to the Senate, Vi Smith, Stan Mengwasser, John Glascock, Fire Chief Bill Biele, Rick Keeler, Dana Neupert, Bill McShane, members of the Creve Couer/Olivette Chamber of Commerce.

Senator Sims introduced to the Senate, Rick Grossheimer, Jack Derr, Steven Buckley, Carl Poetzscher, Paul Joherst, Mark Houston and Tom Mayer, St. Louis County.

On behalf of Senator Staples, the President introduced to the Senate, Jamie and Josie Sisk, Thayer.

Senator Sims introduced to the Senate, Carole Anne Von Eschen, Greg Voight and John La Grone, University City.

Senator Sims introduced to the Senate, Brian J. Bondy and Heidi Buysse, Bridgeton; and Sherri Ulbrich, Maryland Heights.

Senator Howard introduced to the Senate, Sherry Crider and Patty Menz, Southeast Missouri.

Senator Childers introduced to the Senate, sixteen members of the Table Rock Board of the Missouri Association of Realtors.

Senator Ehlmann introduced to the Senate, Gary Ditson, Jerry Lee, Donna-Marie Pierre and Jeff McNeal, Wentzville.

Senator Russell introduced to the Senate, Jack Howard and Jon Presley, Lebanon.

Senator Klarich introduced to the Senate, John Fischer, Washington; Bob Borgmann, Randy Carter, Mary Kay Dingley, Vic Parmentier and Paul Webb, Union; Cheryl Douglas, Sullivan; and Bob Power, Hermann.

On behalf of Senator Russell and himself, Senator Rohrbach introduced to the Senate, Joe Rodger, Bob Beckel and Tisha Roberts, Lake Ozark.

On behalf of Senator Staples, the President introduced to the Senate, A.C. Sullivan.

Senator Graves introduced to the Senate, Larry Apple, Tina Sherry and Barbara Findley, Maryville.

Senator House introduced to the Senate, Tapley and Charlene McCune, Paul Hill and Dorothy Brown, Bowling Green.

Senator Quick introduced to the Senate, Scoop Peery, Smithville.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SIXTH DAY--THURSDAY, FEBRUARY 19, 1998

The Senate met pursuant to adjournment.

Senator Johnson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, teach us the way of respect, to treat others with courtesy and consideration, to hold others in high regard and to express to them appreciation. Lord, forgive us when we seek respect, but don't give it; when we expect courtesy, but don't extend it; and when we expect compliments, but never give them. Help us to do unto others as we would have them do unto us. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
Absent with leave--Senator McKenna--1			
The Lieutenant Governor was present.			

CONCURRENT RESOLUTIONS

Senator Bentley offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 35

WHEREAS, families are an important institution in this nation and in the state of Missouri; and

WHEREAS, the role that parents play in a child's life is important and the time that parents spend with children is crucial to the future of our society; and

WHEREAS, since 1965, the amount of time that parents spend with their children has dropped forty percent; and

WHEREAS, a 1993 study found that sixty-six percent of adults surveyed nationwide wanted to spend more time with their children; and

WHEREAS, in 1960, less than nineteen percent of married women were in the workforce who had a spouse present and children less than six years of age, yet today, more than sixty percent of such women are in the workplace; and

WHEREAS, currently, seventy-six percent of mothers with school-age children are in the workforce; and

WHEREAS, inflexible work schedules conflict with school hours, day care arrangements and family emergencies; and

WHEREAS, working parents, especially working mothers, require flexible working schedules so that they can take the time to tend to their children's needs; and

WHEREAS, federal law allows public employees to have flexible working schedules, so that such employees can balance the needs of work and family; and

WHEREAS, federal law prohibits employees in the private sector from having flexibility in work schedules which public employees currently enjoy; and

WHEREAS, in the interest of creating equity between private and public sector employment, and in the interest of promoting the importance of family obligations in our society, private sector employees should be allowed to have flexibility in their work schedules in order to meet their family and personal obligations; and

WHEREAS, such flexibility can be established by allowing employees to opt for paid flexible leave; and

WHEREAS, paid flexible leave would allow a private sector employee to choose to work hours in addition to a forty-hour work week, and use those extra hours as compensatory time for a shorter, future work week. Such flexibility could be met by allowing an employee to work eighty hours over a two-week period in any combination that the employee wishes, or by allowing the employee to take time-and-a-half off instead of time-and-a-half pay for any overtime hours worked. The decision to work a flexible schedule would be solely at the option of the employee, not the employer; and

WHEREAS, federal law prohibits such flexibility at the option of the private sector employee;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the Second Regular Session of the Eighty-ninth General Assembly, the House of Representatives concurring therein, that we respectfully urge the Congress of the United States to address this important issue by enacting legislation which would allow private sector employees to be able to choose paid flexible leave as set forth in this resolution; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to be transmitted forthwith to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the Missouri Delegation of Congress.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 530**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Senator Scott, Vice-Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Leland O. Burch, as a member of the State Soil and Water Districts Commission;

Also,

Kerri C. Clark, as Student Representative to Missouri Western State College Board of Regents;

Also,

Fred A. "Tommy" Thomson, as a member of the Kansas City Area Transportation Authority;

Also,

Terry E. Carlisle, as a member of the Advisory Commission for Registered Physician Assistants;

Also,

Rosemary G. Hogan, as a member of the Missouri Board for Respiratory Care;

Also,

David J. Lackey, as a member of the Missouri Board of Occupational Therapy;

Also,

Toni R. Messina, as a member of the Missouri Women's Council;

Also,

James R. Wettstaed, as a member of the Unmarked Human Burial Consultation Committee;

Also,

Roger D. Shaw, Jr., as the public member of the Missouri Veterinary Medical Board.

Senator Scott requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Scott moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **SJR 24**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **SB 620**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO.1

Amend Senate Bill No. 620, Page 1, In the Title, Line 3, by inserting after the word "projects" the following: ", with an expiration date"; and

Further amend said bill, Page 4, Section 8.893, Line 10, by inserting immediately after all of said line the following:

"Section B. The provisions of sections 8.875 to 8.893 of this act shall expire on August 28, 2002.".

SENATE BILLS FOR PERFECTION

SB 618, **SB 591** and **SB 747**, with **SCS**, were placed on the Informal Calendar.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Staples moved that the vote by which **SCS** for **SB 475** was defeated on 3rd reading and final passage, be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
Curls	DePasco	Goode	House
Howard	Jacob	Johnson	Lybyer
Mathewson	Maxwell	Quick	Schneider
Scott	Sims	Staples	Wiggins--20
NAYS--Senators			
Bentley	Ehlmann	Flotron	Graves
Kinder	Rohrbach	Russell	Singleton
Westfall	Yeckel--10		
Absent--Senators			
Klarich	Mueller--2		
Absent with leave--Senators			
Kenney	McKenna--2		

At the request of Senator Banks, **SCS** for **SB 475** was placed on the Informal Calendar.

SENATE BILLS FOR PERFECTION

SB 651, with **SCS**, was placed on the Informal Calendar.

Senator Caskey moved that **SB 659**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 659**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 659

An Act to repeal sections 57.201, 57.220, 57.221 and 57.251, RSMo 1994, and section 57.250, RSMo Supp. 1997, relating to sheriffs, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **SB 659** be adopted.

Senator Wiggins assumed the Chair.

Senator Maxwell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 659, Page 2, Section 57.015, Line 15, by inserting after the ";" following the word "observer;" the following: "the Sheriff and his or her attorney may attend the hearing, but only to serve as an observer;".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Clay requested unanimous consent of the Senate for the Committee on Labor and Industrial Relations to meet in executive session while the Senate is in session, which request was denied.

Senator Johnson assumed the Chair.

Senator Caskey moved that **SCS** for **SB 659**, as amended, be adopted and requested a roll call vote be taken. He was joined in his request by Senators Mathewson, Rohrbach, Westfall and Wiggins.

SCS for **SB 659**, as amended, was adopted by the following vote:

YEAS--Senators			
Caskey	Clay	Curls	DePasco
Ehlmann	Flotron	Goode	House
Jacob	Johnson	Klarich	Mathewson
Maxwell	Quick	Schneider	Sims
Singleton	Staples	Wiggins	Yeckel--20
NAYS--Senators			
Bentley	Childers	Graves	Howard
Kinder	Lybyer	Rohrbach	Russell
Westfall--9			
Absent--Senators			
Banks	Mueller--2		
Absent with leave--Senators			
Kenney	McKenna	Scott--3	

On motion of Senator Caskey, **SCS** for **SB 659**, as amended, was declared perfected and ordered printed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 930-By Goode.

An Act relating to land conservation and development, with an emergency clause and a termination date.

SB 931-By Maxwell.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to income tax credits for dependents.

SB 932-By Maxwell.

An Act to repeal section 143.161, RSMo 1994, relating to income tax deductions for dependents, and to enact in lieu thereof one new section relating to the same subject.

SB 933-By Flotron.

An Act to repeal section 135.333, RSMo 1994, and sections 135.326 and 135.327, RSMo Supp. 1997, relating to the adoption of special needs children, and to enact in lieu thereof three new sections relating to the same subject.

SB 934-By Russell.

An Act to repeal section 478.705, RSMo 1994, relating to judicial circuits, and to enact in lieu thereof two new sections relating to the same subject.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1620**, entitled:

An Act to repeal section 620.467, RSMo 1994, relating to the division of tourism, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1473**, entitled:

An Act to repeal sections 190.005, 190.010, 190.015, 190.043, 190.055, 190.060, 190.073, 190.093, 190.095, 190.100, 190.105, 190.110, 190.115, 190.120, 190.125, 190.130, 190.135, 190.140, 190.141, 190.150, 190.155, 190.160, 190.165, 190.171, 190.175, 190.180, 190.190, 190.235, 190.237, 190.239, 190.241, 190.243, 190.245 and 190.247, RSMo 1994, and section 190.145 as both versions appear in RSMo Supp. 1997, and sections 190.185 and 537.035, RSMo Supp. 1997, relating to emergency services, and to enact in lieu thereof thirty-eight new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senators Wiggins and Rohrbach offered Senate Resolution No. 1198, regarding the Reverend Dr. Harry M. "Bud" and Anna Leah (Hart) Agniel, Jefferson City, which was adopted.

Senator Caskey offered Senate Resolution No. 1199, regarding Windsor Elementary School, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, Jerry and Janice Rollins, Sedalia.

Senator DePasco introduced to the Senate, visitors from Independence, including members of the Chamber of Commerce and the Leadership Development Class.

Senator Staples introduced to the Senate, Patt

Pall and Delores Powell, Oregon County.

Senator Singleton introduced to the Senate, Valarie and Preston Praytor, Neosho.

Senator Howard introduced to the Senate, Harold Ellinghouse, Piedmont.

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Monday, February 23, 1998.

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SEVENTH DAY--MONDAY, FEBRUARY 23, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, forgive our mistakes and use them to teach us, forgive our shortcomings and use them to help us grow, forgive our anger and teach us the way of love. We don't always say the right thing, do the right thing or even think the right thing, but our hearts are filled with love for our people, concern for their well being and a desire to make their life better. Use our efforts to make things better in our state. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 19, 1998, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
Absent with leave--Senator House--1			

RESOLUTIONS

Senator Lybyer offered Senate Resolution No. 1200, regarding Darrel Gene Gentry, Houston, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1201, regarding Michael Anthony (Mike) Fетters, St. Charles, which was adopted.

Senator McKenna offered Senate Resolution No. 1202, regarding the Seventy-fifth Birthday of Russell Edward Emmenegger, Eureka, which was adopted.

Senator Clay offered Senate Resolution No. 1203, regarding the One Hundredth Birthday of Nellie Mask Tillman, St. Louis, which was adopted.

Senator McKenna offered Senate Resolution No. 1204, regarding the Ninetieth Birthday of Mrs. Delma Spikes Bryant, Arnold, which was adopted.

Senator Graves offered Senate Resolution No. 1205, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Lloyd Parks, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1206, regarding the One Hundredth Birthday of Myrtle Iona Scifers Partin, Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 1207, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. W. E. Spainhour, which was adopted.

Senator Graves offered Senate Resolution No. 1208, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Merlin Wright, Winston, which was adopted.

Senator Graves offered Senate Resolution No. 1209, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lee Coots, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1210, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Bill Mercer, Parnell, which was adopted.

Senator Graves offered Senate Resolution No. 1211, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Arthur McQuates, Osborn, which was adopted.

Senator Kinder offered Senate Resolution No. 1212, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Leonard Sander, Cape Girardeau County, which was adopted.

Senator Schneider offered Senate Resolution No. 1213, regarding Randall Scott "Randy" Field, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 1214, regarding Brian David Davis, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 1215, regarding Donald James Gralike, which was adopted.

Senator Schneider offered Senate Resolution No. 1216, regarding Steven Joseph Boggio, Florissant, which was adopted.

Senator Graves offered Senate Resolution No. 1217, regarding the Ninetieth Birthday of Mrs. Gladys Ruth (Mishler) Hord, Camden, Alabama, which was adopted.

Senator Wiggins offered Senate Resolution No. 1218, regarding the death of Thomas Rice Saracini, Kansas City, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1219

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Earl Thomas Johnston, of Kansas City; and

WHEREAS, Mr. Johnston, a native of Kansas City, was a retired supervisor for the United States Postal Service to which organization he dedicated 37 years of his life; and

WHEREAS, Mr. Johnston was a World War II Navy veteran and member of the Conboy Nichols Post Number 340 of the American Legion; and

WHEREAS, Mr. Johnston was a longtime member of St. Regis Catholic Church and its Over 50 Club and has also devoted much of his life to Scouting, serving as both a Cub Master and Scout Master, was an honorary member of the Tribe of Mic-O-Say and received the coveted Scouter's Key; and

WHEREAS, Mr. Johnston was most of all a devoted husband and father in whose heart and love his family always came first;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the memory of Earl Thomas Johnston, express their appreciation for his lifetime of good citizenship and his contributions to Kansas City and to Missouri, and express to his wife, Mrs. Dolores Johnston, family and many friends, most sincere sympathy on his death;

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Mrs. Dolores Johnston; sons, Robert, James and John Johnston; and daughter, Jeanne Johnston.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 935-By Russell.

An Act to repeal section 570.120, RSMo 1994, relating to the crime of passing bad checks, and to enact in lieu thereof one new section relating to the same subject.

SB 936-By Quick.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to sales tax exemptions for certain newspaper equipment.

SJR 36-By Howard.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 16 of article IV of the constitution of Missouri relating to rules and regulations, and adopting one new section in lieu thereof relating to the same subject.

THIRD READING OF SENATE BILLS

SB 680, introduced by Senators Wiggins, et al, entitled:

An Act to amend chapter 351, RSMo, relating to corporations by adding thereto one new section relating to the merger of a domestic corporation with a direct or indirect wholly owned subsidiary without an election of shareholders.

Was called from the Consent Calendar and taken up.

On motion of Senator Wiggins, **SB 680** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Curls	Schneider--2		
Absent with leave--Senator House--1			

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

SB 526, introduced by Senator Childers, entitled:

An Act to repeal section 315.037, RSMo 1994, relating to resorts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Childers, **SB 526** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Curls	Schneider--2		
Absent with leave--Senator House--1			

The President Pro Tem declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator DePasco moved that **SB 729** and **SB 772**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 729** and **772**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 729 and 772

An Act to repeal sections 130.021, 130.046, 130.047, 130.050 and 130.057, RSMo Supp. 1997, relating to the Missouri ethics commission, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause for certain sections and penalty provisions.

Was taken up.

Senator DePasco moved that **SCS** for **SBs 729** and **772** be adopted.

Senator DePasco offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 729 and 772, Page 12, Section 130.057.3, Lines 19-30, by deleting all of said lines, and by adding in lieu thereof the following:

"3. Beginning with the primary and general elections in [1996] **1998**, candidates and [other persons may] **all other committees shall** file reports [in an] **by using either the** electronic format [as] prescribed by the commission or [may file a paper copy and all reports filed with the commission by any continuing committee shall be filed in electronic format as prescribed by the commission] **paper forms provided by the commission for that purpose. Continuing committees shall file reports by electronic format prescribed by the commission, except continuing committees which do not make contributions which exceed fifteen thousand dollars in any one calendar year. Continuing committees which do not make contributions which exceed fifteen thousand dollars in any one calendar year shall file reports on paper forms provided by the commission for that purpose or by electronic format prescribed by the commission, whichever reporting method the continuing committee chooses.** The commission shall supply a computer program which shall be used for filing by modem or by a common magnetic media chosen by the commission. In the event that filings are performed electronically, the candidate shall file a signed original written copy within five working days; except that, if a means becomes available which will allow a verifiable electronic signature, the commission may also accept this in lieu of a written statement. **In the event that the commission does not have the electronic format available for the primary and general elections in 1998, the provisions of this section relating to filing by electronic format will become effective in the year that the commissions electronic format is available and notice is given to all candidates and committees pursuant to section 130.059. Filing reports for purposes of this act includes the preceding year.**".

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 729 and 772, Page 1, Section A, Line 4, by inserting immediately after all of said line the following:

"105.464. 1. No person serving in a judicial or quasi-judicial capacity shall participate in such capacity in any proceeding in which:

(1) The person knows that a party is any of the following: the person or the person's great-grandparent, grandparent, parent, stepparent, guardian, foster parent, spouse, former spouse, child, stepchild, foster child, ward, niece, nephew, brother, sister, uncle, aunt, or cousin, or any firm or corporation in which the person has an ownership interest, or any trust in which the person has any legal, equitable or beneficial interest;

(2) The person knows the subject matter is such that the person may receive a [direct or indirect] financial gain from any potential result of the proceeding, except that no provision in this subsection shall be construed to prohibit the person from participating in any proceeding by reason of the fact that the state, or any agency of the state, or any agency of a political subdivision thereof, is a party.

2. No provision in the section shall be construed to prohibit him from entering an order disqualifying himself or herself or transferring the matter to another court, body, or person for further proceedings."; and

Further amend the title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 729 and 772, Page 2, Section 105.966, Line 13, by inserting after the word "section" on said line the following: "**shall have a letter prepared and provided to the complainant and to the subject of such complaint within ten days of such date providing the reasons for such action or lack of action and the complaint**".

Senator Childers moved that the above amendment be adopted.

Senator Howard offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 729 and 772, Page 2, Section 105.966, Line 13, by inserting after the word "violation" the following: "with the complainant and the subject of the complaint receiving a letter confirming no violation occurred".

Senator Howard moved that the above substitute amendment be adopted.

At the request of Senator Howard, **SSA 1** for **SA 3** was withdrawn.

SA 3 was again taken up.

Senator Childers moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Ehlmann offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 729 and 772, Page 1, Section A, Line 4, by inserting immediately after said line the following:

"105.473. 1. Each lobbyist shall, not later than five days after beginning any activities as a lobbyist, file standardized registration forms, verified by a written declaration that it is made under the penalties of perjury, along with a filing fee of ten dollars, with the commission. The forms shall include the lobbyist's name and business address, the name and address of all persons such lobbyist employs for lobbying purposes, the name and address of each lobbyist principal by whom such lobbyist is employed or in whose interest such lobbyist appears or works. The commission shall maintain files on all lobbyists' filings, which shall be open to the public. Each lobbyist shall file an updating statement under oath within one week of any addition, deletion, or change in the lobbyist's employment or representation. The filing fee shall be deposited to the general revenue fund of the state.

2. Each person shall, before giving testimony before any committee of the general assembly, give to the secretary of such committee such person's name and address and the identity of any lobbyist or organization, if any, on whose behalf such person appears.

3. (1) During any period of time in which a lobbyist continues to act as an executive lobbyist, judicial lobbyist or a legislative lobbyist, the lobbyist shall file with the commission on standardized forms prescribed by the commission monthly reports which shall be due at the close of business on the tenth day of the following month;

(2) Each report filed pursuant to this subsection shall include a statement, verified by a written declaration that it is made under the penalties of perjury, setting forth the following:

(a) The total of all expenditures by the lobbyist or his lobbyist principals made on behalf of all public officials, their staffs and employees, and their spouses and dependent children, which expenditures shall be separated into at least the following categories by the executive branch, judicial branch and legislative branch of government: printing and

publication expenses; media and other advertising expenses; travel; entertainment; honoraria; meals, food and beverages; and gifts;

(b) An itemized listing of the name of the recipient and the nature and amount of each expenditure by the lobbyist or his lobbyist principal, including a service or anything of value, for all expenditures made during any reporting period, paid or provided to or for a public official, such official's staff, employees, spouse or dependent children;

(c) The total of all expenditures made by a lobbyist or lobbyist principal for occasions and the identity of the group invited, the date and description of the occasion and the amount of the expenditure for each occasion when any of the following are invited in writing:

a. All members of the senate;

b. All members of the house of representatives;

c. All members of a joint committee of the general assembly or a standing committee of either the house of representatives or senate; or

d. All members of a caucus of the general assembly if the caucus consists of at least ten members, a list of the members of the caucus has been previously filed with the ethics committee of the house or the senate, and such list has been approved by either of such ethics committees;

(d) Any expenditure made on behalf of a public official, or the public official's staff, employees, spouse or dependent children, if such expenditure is solicited by such public official, the public official's staff, employees, or spouse or dependent children, from the lobbyist or his lobbyist principals and the name of such person or persons;

(e) A statement detailing any direct business relationship or association or partnership the lobbyist has with any public official. The reports required by this paragraph shall cover the time periods since the filing of the last report or since the lobbyist's employment or representation began, whichever is most recent.

4. No expenditure reported pursuant to this section shall include any amount expended by a lobbyist or lobbyist principal on himself. All expenditures disclosed pursuant to this section shall be valued on the report at the actual amount of the payment made, or the charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of such lobbyists.

5. Any lobbyist principal shall provide in a timely fashion whatever information is reasonably requested by the lobbyist principal's lobbyist for use in filing the reports required by this section.

6. All information required to be filed under the provisions of this section with the commission shall be kept available by the executive director of the commission at all times open to the public for inspection and copying for a reasonable fee for a period of five years from the date when such information was filed.

7. No person shall knowingly employ any person who is required to register as a registered lobbyist but is not registered pursuant to this section. Any person who knowingly violates this subsection shall be subject to a civil penalty in an amount of not more than ten thousand dollars for each violation. Such civil penalties shall be collected by action filed by the commission.

8. No lobbyist shall knowingly omit, conceal, or falsify in any manner information required pursuant to this section.

9. The prosecuting attorney of Cole County shall be reimbursed only out of funds specifically appropriated by the general assembly for investigations and prosecutions for violations of this section.

10. Any public official or other person whose name appears in any lobbyist report filed pursuant to this section who contests the accuracy of the portion of the report applicable to such person may petition the commission for an audit of

such report and shall state in writing in such petition the specific disagreement with the contents of such report. The commission shall investigate such allegations in the manner described in section 105.959. If the commission determines that the contents of such report are incorrect, incomplete or erroneous, it shall enter an order requiring filing of an amended or corrected report.

11. The commission shall provide a report listing the total spent by a lobbyist for the month and year to any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government on or before the twentieth day of each month. For the purpose of providing accurate information to the public, the commission shall not publish information in either written or electronic form for ten working days after providing the report pursuant to this subsection. The commission shall not release any portion of the lobbyist report if the accuracy of the report has been questioned pursuant to subsection 10 of this section unless it is conspicuously marked "Under Review".

12. Each lobbyist principal by whom the lobbyist was employed, or in whose behalf the lobbyist acted, shall provide a general description of the proposed legislation or action by the executive branch or judicial branch which the lobbyist supported or opposed. This information shall be supplied to the commission on March fifteenth and May thirtieth of each year.

13. Each lobbyist or lobbyist principal shall disclose the amount of compensation received in the preceding calendar year for his or her lobbying activities. Such disclosure shall be filed with the Missouri ethics commission no later than March fifteenth of each year and shall include disclosure of compensation for all lobbying activities in the previous calendar year."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Lybyer offered **SA 1 to SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Committee Substitute for Senate Bills Nos. 729 and 722, Page 6, Section 105.473, Line 18, by inserting after said line the following:

"14. Any member of the general assembly who is also a member of the Missouri Bar shall list the name of each lobbyist principal on his financial disclosure report from whom he has received at least five hundred dollars in the year covered by the report."

Senator Lybyer moved that the above amendment be adopted.

Senator Ehlmann offered **SSA 1 for SA 1 to SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Committee Substitute for Senate Bills Nos. 729 and 722, Page 6, Section 105.473, Line 18, by inserting after said line the following:

"14. Any member of the general assembly shall list the name of each lobbyist principal on his financial disclosure report from whom he has received at least five hundred dollars in the year covered by the report."

Senator Ehlmann moved that the above substitute amendment be adopted.

At the request of Senator Ehlmann, **SSA 1** for **SA 1** to **SA 4** was withdrawn.

At the request of Senator Lybyer, **SA 1** to **SA 4** was withdrawn.

At the request of Senator Ehlmann, **SA 4** was withdrawn.

At the request of Senator DePasco, **SB 729** and **SB 772**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 883**; **SCS** for **SB 659**; **SCS** for **SB 753**; and **SS** for **SB 657**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem McKenna referred **SB 780**; **SB 489**, with **SCS**; **SB 571**, with **SCS**; **SCS** for **SB 753**; and **SB 883** to the Committee on State Budget Control.

President Pro Tem McKenna referred **SCR 35** to the Committee on Rules, Joint Rules and Resolutions.

REPORTS OF STANDING COMMITTEES

Senator Clay, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 839**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 701**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 786**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 854**, begs leave to report that it has considered the same and recommends that the bill do pass and

be placed on the Consent Calendar.

Senator Howard assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HCS for **HB 1014**--Appropriations.

INTRODUCTIONS OF GUESTS

Senator Singleton introduced to the Senate, Melanie Spalding, Todd Walker, Stephen Johnson, Jeff Droz, Jason Kiefer, Ben Michel, Doug Carnahan and Ron Mitchell, Joplin.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-EIGHTH DAY--TUESDAY, FEBRUARY 24, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we are thankful for this prayer time. We know that the only thing the disciples ever asked Jesus to teach them how to do was to pray. Lord, like the disciples, we don't ask for riches or great ability, or even for victory; but we are thankful that You have taught us the importance of prayer. Thank You for this time when we can praise Your Name, offer our thanks and seek Your guidance. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator House--1
The Lieutenant Governor was present.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 937--By Singleton.

An Act to repeal section 169.560, RSMo Supp. 1997, relating to certain retirement systems, and to enact in lieu thereof one new section relating to the same subject.

SB 938--By Yeckel.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to tax credits for child care, with an effective date.

SB 939-By Kenney.

An Act to repeal sections 421.010, 421.020, 421.030, 421.040, 421.050, 421.060, 421.070, 421.080, 421.090, 421.100, 421.110 and 421.120, RSMo 1994, relating to the regulation of the sale of bedding, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions.

SB 940-By Maxwell.

An Act to repeal sections 338.250 and 338.330, RSMo 1994, relating to the regulation of pharmacies, and to enact in lieu thereof three new sections relating to the same subject.

SB 941-By Banks.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to eligibility for public assistance.

SB 942-By McKenna.

An Act to repeal sections 313.805, 313.807, 313.812, 313.817, 313.822 and 313.830, RSMo 1994, and section 313.842, RSMo Supp. 1997, relating to excursion gambling boats, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

THIRD READING OF SENATE BILLS

SB 652, with **SCS**, introduced by Senator Childers, entitled:

An Act to amend chapter 52, RSMo, by adding thereto one new section relating to records of taxation.

Was called from the Consent Calendar and taken up.

SCS for **SB 652**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 652**

An Act to repeal section 137.290, RSMo 1994, relating to county tax books, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Childers moved that **SCS** for **SB 652** be adopted, which motion prevailed.

On motion of Senator Childers, **SCS** for **SB 652** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			

Jacob
Schneider--2
Absent with leave--Senator House--1

The President Pro Tem declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 832, introduced by Senator Mathewson, entitled:

An Act to repeal section 350.015, RSMo 1994, relating to farm corporations, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Mathewson requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 832, Page 3, Section 350.015, Lines 71-72, by striking all of said lines and inserting in lieu thereof the following: "**350.016**".

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mathewson, **SB 832**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Caskey	Howard	Russell--3	
Absent--Senators			
Jacob	Staples--2		
Absent with leave--Senator House--1			

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Johnson moved that **SB 675, SB 483, SB 490 and SB 564**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 675, 483, 490 and 564**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 675, 483, 490 and 564

An Act to repeal section 135.030, RSMo 1994, and section 135.010, RSMo Supp. 1997, relating to circuit breaker tax relief, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Johnson moved that **SCS** for **SBs 675, 483, 490 and 564** be adopted.

Senator Johnson offered **SS** for **SCS** for **SBs 675, 483, 490 and 564**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 675, 483, 490 and 564

An Act to repeal section 135.030, RSMo 1994, and section 135.010, RSMo Supp. 1997, relating to circuit breaker tax relief, and to enact in lieu thereof two new sections relating to the same subject.

Senator Johnson moved that **SS** for **SCS** for **SBs 675, 483, 490 and 564** be adopted.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 675, 483, 490 and 564, Page 9, Section 135.030, Line 12, by inserting immediately after all of said line the following:

"4. Notwithstanding the provisions of subsection 4 of section 32.057, RSMo, the department of revenue or any duly authorized employees shall determine whether any taxpayer filing a report or return with the department of revenue who has not applied for the credit allowed pursuant to section 135.020 may qualify for the credit, and shall notify any qualified claimant of his or her eligibility."

Senator Klarich moved that the above amendment be adopted.

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

Senator Schneider offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 675, 483,

490 and 564, Page 1, by striking from line 4 the words "shall determine" and substitute "who has determined" and strike the word "whether" and substitute the word "that".

Senator Schneider moved that the above amendment be adopted.

Senator Childers requested a roll call vote be taken on the adoption of **SA 1** to **SA 1**. He was joined in his request by Senators Bentley, Caskey, Klarich and Yeckel.

SA 1 to **SA 1** failed of adoption by the following vote:

YEAS--Senators			
Caskey	DePasco	Flotron	Goode
Howard	Jacob	Lybyer	Mathewson
McKenna	Quick	Rohrbach	Schneider
Scott	Staples	Wiggins--15	
NAYS--Senators			
Banks	Bentley	Childers	Curls
Ehlmann	Graves	Johnson	Kenney
Kinder	Klarich	Maxwell	Russell
Sims	Singleton	Westfall	Yeckel--16
Absent--Senators			
Clay	Mueller--2		
Absent with leave--Senator House--1			

Senator Staples assumed the Chair.

SA 1 was again taken up.

At the request of Senator Johnson, **SB 675**, **SB 483**, **SB 490** and **SB 564**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), were placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 943-By Scott.

An Act to repeal section 375.786, RSMo 1994, relating to certificates of authority to transact insurance, and to enact in lieu thereof one new section relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 848**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator House, Chairman of the Committee on Education, Senator McKenna submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 781**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Wiggins.

THIRD READING OF SENATE BILLS

SB 536, with **SCS**, introduced by Senator Caskey, entitled:

An Act to repeal section 320.121, RSMo 1994, relating to regulation of fireworks, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 536**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 536

An Act to repeal section 320.151, RSMo 1994, relating to regulation of fireworks, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **SB 536** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 536** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Clay	Howard	Schneider--3	
Absent with leave--Senator House--1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Johnson moved that **SB 675, SB 483, SB 490 and SB 564**, with **SCS, SS for SCS and SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Klarich offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 675, 483, 490 and 564, Page 9, Section 135.030, Line 12, by inserting immediately after all of said line the following:

"4. Notwithstanding the provision of subsection 4 of section 32.057, RSMo, the department of revenue or any duly authorized employee or agent shall determine whether any taxpayer filing a report or return with the department of revenue who has not applied for the credit allowed pursuant to section 135.020 may qualify for the credit, and shall notify any qualified claimant of his or her potential eligibility, where the department determines such potential eligibility exists."

Senator Klarich moved that the above substitute amendment be adopted, which motion prevailed.

Senator Childers offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 675, 483, 490 and 564, Page 4, Section 135.010, Line 17, by inserting after the word "spouse" on said line the words **"and each dependent"**.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Johnson moved that **SS for SCS for SBs 675, 483, 490 and 564**, as amended, be adopted, which motion prevailed.

On motion of Senator Johnson, **SS for SCS for SBs 675, 483, 490 and 564**, as amended, was declared perfected and ordered printed.

Senator McKenna moved that **SB 650** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator McKenna, **SB 650** was declared perfected and ordered printed.

Senator Caskey moved that **SB 625**, with **SCS and SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Quick moved that the above amendment be adopted, which motion failed.

Senator Childers offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 625, Page 26, Section 190.199, Line 6, by inserting after the ";" on said line the words **"except in the absence of trained personnel any person may utilize an automatic external defibrillator to attempt to revive a person or persons;"**.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SCS** for **SB 625**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 625**, as amended, was declared perfected and ordered printed.

Senator Goode moved that **SB 541** and **SB 822**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SBs 541** and **822** was again taken up.

Senator Klarich offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 541 and 822, Page 1, Section 307.366, Line 5, by striking the opening bracket "[", the closing bracket "]" and the bold-faced language from said line; and further amend line 11, by striking the opening bracket "[" from said line; and

Further amend said bill and section, Page 2, Line 14, by striking the closing bracket "]" from said line; and

Further amend said bill, Page 5, Section 643.210, Line 12, by inserting immediately after all of said line the following:

"643.305. 1. The air conservation commission shall adopt a state implementation plan to bring all nonattainment areas of the state [which are located within a city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants,] into compliance with and to maintain the National Ambient Air Quality Standards and any regulations promulgated by the United States Environmental Protection Agency under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., on the required date or dates as such dates are established under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., including any extensions authorized pursuant to that act.

2. The commission shall establish the amount of emissions reductions required to achieve the goal established pursuant to subsection 1 of this section.

3. The department shall establish an air quality baseline for all nonattainment areas of the state [which are located within a metropolitan statistical area with a population of at least one million inhabitants as defined by the federal Office of Management and Budget or its successor agency]. The air quality baseline shall include, where practical, actual air contaminant emissions data and data on the atmospheric concentrations of pollution and pollution precursors for all nonattainment areas.

4. The department shall determine the costs and benefits of alternative reduction measures including reductions of emissions from stationary and mobile sources and traffic control measures. The department of highways and transportation, regional planning commissions and metropolitan planning organizations shall participate with the department and provide information necessary to determine the costs and benefits of emissions reduction measures.

5. The department shall evaluate any motor vehicle emissions inspection program established under section 307.366, RSMo, or sections 643.300 to 643.355 and shall annually include in the report to the commission and the general assembly required under section 643.192, beginning on January 1, 1996, a detailed accounting of the inspection costs and repair costs incurred by vehicle owners and of the emissions reductions produced or incurred by the program. The department may use a representative sample of vehicles to provide a statistically valid estimate of the repair costs and

emissions reductions. The report shall also include a recommendation to the general assembly on whether the emissions inspection program should be continued, modified or terminated.

6. The department shall establish a program of public information and education to educate the citizens of the state about the costs and benefits associated with reaching attainment of the National Ambient Air Quality Standards and the costs and benefits of all measures which are considered to attain those standards. This shall be done prior to the commission's action under subsection 1 of this section."; and

Further amend said bill, Page 5, Section 643.310, Lines 3-13, by striking all of said lines and inserting in lieu thereof the following: "any portion of a nonattainment area [located within the area described in subsection 1 of section 643.305] **if the commission determines that such motor vehicle emissions inspection program is necessary in that area to comply with the requirements of subsection 1 of section 643.305**, except **that**, for any portion of the nonattainment area which is located in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census, [if the commission determines that such motor vehicle emissions inspection program is necessary in that area to comply with the requirements of subsection 1 of section 643.305, except that no motor vehicle emission inspection program shall be established under this section in any area for which the sale or dispensing of conventional gasoline for use in motor vehicles is prohibited under the federal Clean Air Act, as amended, 42 U.S.C. 7545] **the commission may not require an inspection program using IM240 equipment. In any county of the first classification without a charter form of government and with a population not in excess of one hundred thousand persons and which is located in a nonattainment area, reformulated gasoline shall not be required in that portion of such county which is located west of 91 4' West longitude or south of 38 18' North latitude, or both.** The commission shall ensure that, for each nonattainment area, the state"; and

Further amend said bill, Page 16, Section 643.355, Line 46, by inserting immediately after said line the following:

"9. In any county of the first classification without a charter form of government and with a population not in excess of one hundred thousand persons and which is located in a nonattainment area, the unincorporated portion of such county shall be exempt from state open burning regulations, including regulations under 10 CSR 10-5.070, until such county has attained a population of at least one hundred thousand persons."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

Senator Schneider offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 541 and 822, Page 4, Section 307.366, Line 123, by inserting immediately after all of said line the following:

"307.398. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated by the superintendent of the Missouri state highway patrol or the Missouri air conservation commission under the authority of sections 307.350 to 307.400, RSMo, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and

void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 541 and 822, Page 11, Section 643.315, Line 61, by deleting the words "the ninety days immediately" and inserting in lieu thereof the following: "**twenty-four months**".

Senator Yeckel moved that the above amendment be adopted.

Senator Flotron requested a roll call vote be taken on the adoption of **SA 4**. He was joined in his request by Senators Childers, Rohrbach, Westfall and Yeckel.

Senator Goode offered **SSA 1** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 541 and 822, Page 11, Section 643.315, Line 61, by deleting "ninety" and put in place thereof "one hundred and twenty".

Senator Flotron requested a roll call vote be taken on the adoption of **SSA 1** for **SA 4**. He was joined in his request by Senators Rohrbach, Sims, Yeckel and Childers.

SSA 1 for **SA 4** was adopted by the following vote:

YEAS--Senators			
Banks	Caskey	Clay	Curls
DePasco	Goode	Howard	Jacob
Johnson	Kenney	Lybyer	Mathewson
Maxwell	McKenna	Quick	Scott
Staples	Wiggins--18		
NAYS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	Kinder	Klarich	Mueller
Rohrbach	Sims	Singleton	Westfall
Yeckel--13			
Absent--Senators			
Russell	Schneider--2		
	Absent with leave--Senator House--1		

Senator Yeckel offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 541 and 822, Page 1, In the Title, Lines 3-4, by striking the words "motor vehicle emissions" and inserting in lieu thereof the following: "programs administered by the department of natural resources"; and

Further amend said bill, page 4, section 307.366, line 123, by inserting after said line the following:

"640.040. 1. On and after the effective date of this section, in promulgating any rule relating to public health and safety or the environment, the department of natural resources and each board and commission within the department of natural resources shall publish with the notice of proposed rulemaking in the Missouri Register:

(1) An estimate, performed with as much specificity as practical, of the risk to the health and safety of individual members of the public addressed by the rule and its effect on human health or the environment and the costs associated with implementation of, and compliance with, the rule;

(2) A comparative analysis of the risk addressed by the rule relative to other risks to which the public is exposed; and

(3) Certification by the agency promulgating the rule that:

(a) The estimate required under subdivision (1) of this subsection and the analysis required under subdivision (2) of this subsection are based upon a scientific evaluation of the risk to the health and safety of individual members of the public and to human health or the environment and are supported by the best available scientific data;

(b) The rule will substantially advance the purpose of protecting the public health and safety or the environment against the specified identified risk; and

(c) The rule will produce benefits to the public health and safety or the environment that will justify the cost to the government and the public of implementation of, and compliance with, the rule.

2. In the event that the department, board or commission cannot provide the certification required under subsection 1 of this section, the department, board or commission shall report to the general assembly that such certification cannot be made and shall include a statement of the reasons therefor in such report and in the notice of proposed rulemaking.

3. The certification required by this section shall not be construed to amend, modify or alter any provision of law."; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted.

Senator Goode raised the point of order that **SA 5** is out of order in that it goes beyond the scope of the bill.

Senator Johnson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Yeckel offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 541 and 822, Page 1, In the Title, Lines 3-4, by striking the words "motor vehicle emissions" and inserting in lieu thereof the following: "programs administered by the department of natural resources"; and

Further amend said bill, page 4, section 307.366, line 123, by inserting after said line the following:

"640.040. 1. On and after the effective date of this section, in promulgating any rule relating to motor vehicle emissions, the department of natural resources and each board and commission within the department of natural resources shall publish with the notice of proposed rulemaking in the Missouri Register:

(1) An estimate, performed with as much specificity as practical, of the risk to the health and safety of individual members of the public addressed by the rule and its effect on human health or the environment and the costs associated with implementation of, and compliance with, the rule;

(2) A comparative analysis of the risk addressed by the rule relative to other risks to which the public is exposed; and

(3) Certification by the agency promulgating the rule that:

(a) The estimate required under subdivision (1) of this subsection and the analysis required under subdivision (2) of this subsection are based upon a scientific evaluation of the risk to the health and safety of individual members of the public and to human health or the environment and are supported by the best available scientific data;

(b) The rule will substantially advance the purpose of protecting the public health and safety or the environment against the specified identified risk; and

(c) The rule will produce benefits to the public health and safety or the environment that will justify the cost to the government and the public of implementation of, and compliance with, the rule.

2. In the event that the department, board or commission cannot provide the certification required under subsection 1 of this section, the department, board or commission shall report to the general assembly that such certification cannot be made and shall include a statement of the reasons therefor in such report and in the notice of proposed rulemaking.

3. The certification required by this section shall not be construed to amend, modify or alter any provision of law."; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted, which motion failed.

Senator Flotron offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bills Nos. 541 and 822, Page 5, Section 643.210, Line 12, by inserting immediately after all of said line the following:

"643.307. No reformulated gasoline may be sold at any business which sells gasoline unless there is conspicuously made available an informational pamphlet free of charge to customers which explains the reason reformulated gas is being sold, the differences in cost between reformulated gas and unleaded gasoline previously sold at the business, the differences in efficiency, horsepower, and mileage between reformulated gas and unleaded gasoline previously sold at the business, and the names of elected federal representatives and their addresses, including the Environmental Protection Agency, where the customer may write to voice his or her opinion about the forced use of reformulated gasoline. Such pamphlets shall be furnished by the department to each business at no cost to the business, and the content and language of such pamphlets shall be made by concurrent resolution of the general assembly."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bills Nos. 541 and 822, Page 6, Section 643.310, Line 28 of said section, by removing the opening bracket "[" on line 28 of said section; and

Further amend line 33 of said section, by adding the phrase "**at a minimum**" immediately after the word "shall" on said line; and

Further amend line 39 of said section, by removing the closing bracket "]" on said line.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Goode, **SB 541** and **SB 822**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SCS** for **SBs 675, 483, 490** and **564**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem McKenna referred **SS** for **SCS** for **SBs 675, 483, 490** and **564** to the Committee on State Budget Control.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 944-By McKenna.

An Act to repeal sections 610.010, 610.015, 610.020, 610.022, 610.023, 610.026, 610.027, 610.029, 610.030, 610.105 and 610.125, RSMo 1994, and sections 610.021 and 610.100, RSMo Supp. 1997, relating to governmental bodies, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

SB 945-By Howard.

An Act to repeal section 263.527, RSMo Supp. 1997, relating to cotton growers referendum, and to enact in lieu thereof one new section relating to the same subject.

SB 946-By Westfall.

An Act to repeal section 302.171, RSMo Supp. 1997, relating to driver's license applications, and to enact in lieu thereof one new section relating to the same subject.

SB 947-By Bentley.

An Act to repeal sections 162.471 and 162.481, RSMo 1994, relating to school boards, and to enact in lieu thereof two new sections relating to the same subject.

SB 948-By Bentley.

An Act to amend chapter 577, RSMo, by adding thereto one new section relating to motor vehicles.

SB 949-By Sims.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to an income tax credit for certain property taxes.

SB 950-By Goode and Ehlmann.

An Act to repeal section 99.805, as enacted by senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and approved by the governor, relating to real property tax increment allocation redevelopment, and to enact in lieu thereof two new sections relating to the same subject.

SJR 37-By DePasco.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39(e) of article III of the constitution of Missouri relating to riverboat gambling, and adopting one new section in lieu thereof relating to the same subject.

RESOLUTIONS

Senator McKenna offered Senate Resolution No. 1220, regarding Corporal Donald J. Cummines, Jefferson County Sheriff's Department, which was adopted.

Senator McKenna offered Senate Resolution No. 1221, regarding Deputy Raymond F. Edler, Jr., Jefferson County Sheriff's Department, which was adopted.

Senator McKenna offered Senate Resolution No. 1222, regarding Police Officer David L. Taylor, Byrnes Mill Police Department, which was adopted.

Senator McKenna offered Senate Resolution No. 1223, regarding the One Hundred Sixth Birthday of Iva McMechan, Festus, which was adopted.

Senator Curls offered Senate Resolution No. 1224, regarding the Forty-fifth Anniversary of Paradise Missionary Baptist Church, Kansas City, which was adopted.

Senator Curls offered Senate Resolution No. 1225, regarding members of the Paradise Missionary Baptist Church, which was adopted.

Senators Bentley and Sims offered Senate Resolution No. 1226, regarding the Junior Leagues of Springfield, St. Louis, Kansas City and St. Joseph, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Westfall introduced to the Senate, Richard Gelner and Jeff Gower, Springfield.

Senator Graves introduced to the Senate, his wife, Lesley, and their children, Megan, Trey and Emily, Tarkio; and Megan was made an honorary page.

Senator Staples introduced to the Senate, Randall and Becky Combs, Alton.

Senator Russell introduced to the Senate, Ed and Brad Brown, Lebanon.

Senator Rohrbach introduced to the Senate, Joe Scallons, California.

Senator Wiggins introduced to the Senate, Mary Kay Farrow, Kansas City.

Senator Johnson introduced to the Senate, Andrea Schweizer, Amazonia.

Senator Caskey introduced to the Senate, Joey Lysinger, Holden.

Senator Maxwell introduced to the Senate, Travis Belt, Leonard; and Christine Long, Vandalia.

Senator Kinder introduced to the Senate, Brian Heuring, Oran.

Senator Childers introduced to the Senate, Eric Roller, Seligman.

Senator Westfall introduced to the Senate, Sally Greene, Willard; and Katie McWilliams, Liberal.

Senator Mathewson introduced to the Senate, Dan Arnsperger, Salisbury.

Senator Graves introduced to the Senate, Allison Cadle, Grant City.

Senator Staples introduced to the Senate, Wayne Elkins, Doniphan.

Senator Rohrbach introduced to the Senate, Tim Heisberger, and seventy-five fourth grade students from Belair Elementary School, Jefferson City.

Senator Lybyer introduced to the Senate, Tony Hancock, Bucyrus; and Heather Hoffmeister, Morrison.

Senator Rohrbach introduced to the Senate, Ty Crain, Eldon.

Senator Singleton introduced to the Senate, Ed Streich and James Spradling, Carthage; and Shannon Spradling, Kansas City.

Senator Staples introduced to the Senate, Sheriff Dan Bullock; and Mr. and Mrs. Ed Doughty, Farmington.

Senator Westfall introduced to the Senate, Sheriff Doug Seneker, Lawrence County.

Senator Kinder introduced to the Senate, Sheriff David Lewis, Fredericktown; Sheriff John Jordan, Cape Girardeau; and Sheriff Gary Schaaf, Perryville.

On behalf of Senator Goode and herself, Senator Yeckel introduced to the Senate, Chancellor Blanche Touhill, St. Louis.

Senator Ehlmann introduced to the Senate, former State Senator Fred Dyer, St. Charles.

On behalf of Senators Bentley, Kinder, Jacob and himself, Senator Westfall introduced to the Senate, a delegation from the Collegiate Farm Bureau Chapters.

Senator Singleton introduced to the Senate, Adrienne Nielsen, Granby; Charity Baugh, Carthage; and Jodie Pinson, Texas County.

Senator Kenney introduced to the Senate, Bob Brennan, and the Truman High School Leadership Class, Independence.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-NINTH DAY--WEDNESDAY, FEBRUARY 25, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, as we consider our options, contemplate our compromises, deliberate over our choices, we want to do the right thing. Help us to count the cost of every decision. Give us the wisdom to know what the outcome of our decisions might be. We don't know what the future holds, but we know Him who holds the future. It is for Your guidance that we pray today. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
Absent with leave--Senator House--1			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Howard offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1227

WHEREAS, the citizens of this great state and nation are eternally grateful for the heroic military actions of those individuals who sacrificed their lives for the cause of freedom around the world; and

WHEREAS, George K. Sisler (1937-1967), a First Lieutenant in the United States Army during the Vietnam War, will be honored posthumously for his outstanding service to America as one of three Army soldiers to have a strategic sealift ship named after him; and

WHEREAS, the T-AKR 300 Bob Hope Class LMSR ships will be the centerpiece of America's sealift power projection into the next century with each providing between 300,000 and 390,000 square feet of cargo carrying space; and

WHEREAS, Sisler (T-AKR 311) honors First Lieutenant George K. Sisler, who was awarded a Medal of Honor for gallantry while serving as a platoon leader/advisor to a Special United States/Vietnam Exploitation Force in the Vietnam War; and

WHEREAS, while on patrol deep in enemy territory on February 7, 1967, First Lieutenant Sisler's platoon was attacked from three sides by a company-sized enemy force; and

WHEREAS, a single-handed charge by First Lieutenant Sisler, using rifle fire and grenades, halted the attack on his platoon and forced the enemy to withdraw; and

WHEREAS, with tremendous courage and the utmost regard for his platoon, First Lieutenant Sisler continued to move about the field directing air strikes on enemy positions until he was mortally wounded:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, solemnly pause in a moment of silence to express appreciation for the unparalleled valor of First Lieutenant Sisler as the US Navy dedicates the T-AKR 311 as a lasting tribute to his memory; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the USNS Sisler and for the family of the late George K. Sisler.

Senators Bentley and Sims offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1228

WHEREAS, it is with great pride and sincere admiration that the members of the Missouri Senate suspend the work of creating laws in order to recognize the meritorious endeavors of an outstanding group of women dedicated to educational and charitable missions; and

WHEREAS, the members of the Junior Leagues of Missouri will be welcomed to Jefferson City and the beautiful state capitol by this legislative body on February 24, 1998, a day set aside as "Junior League Day in the Legislature"; and

WHEREAS, the Junior League is an extraordinary organization of women who commit themselves to promoting voluntarism and to improving their communities through the effective action and leadership of trained volunteers; and

WHEREAS, the Junior League of Missouri includes chapters in Springfield, St. Louis, Kansas City, and St. Joseph, a remarkable group of influential women who recently joined forces and formed a state public affairs committee that advocates on behalf of legislative issues of concern to communities and families; and

WHEREAS, in 1997, the Junior League of Springfield boasted 541 members who logged 29,000 hours of volunteer time and contributed \$55,840 to various community services; and

WHEREAS, the Junior League of St. Louis includes 2,100 members who annually contribute more than 375,000 volunteer hours to the community with an emphasis on serving women and children and promoting parents as role models; and

WHEREAS, the Junior League of Kansas City consists of 1,705 members who annually donated over 50,000 volunteer hours to a number of important causes and contributed \$322,700 to the community; and

WHEREAS, the Junior League of St. Joseph has 219 proud and hardworking members all of whom remain steadfast in their primary goals to improve the overall quality of life for others:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, unanimously join in extending a most cordial welcome to the Junior Leagues of Missouri and in wishing these distinguished women the best of luck as they make their communities better places to work, live, and raise families; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Junior Leagues of Springfield, St. Louis, Kansas City, and St. Joseph.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1229

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of John Anthony O'Connor, Jr., of Kansas City;

and

WHEREAS, Mr. O'Connor, a native of Kansas City, was an Army veteran of World War II, wherein he served his country under very difficult circumstances; and

WHEREAS, Mr. O'Connor, devoted many years of his life as a lawyer and devoted employee of Southwestern Bell Telephone Company from which he retired after forty-three years and was very active in the Telephone Pioneers of America; and

WHEREAS, Mr. O'Connor, was a longtime, loyal and active member of Christ the King Catholic Church for fifty-one years where he was extremely active in the Boy Scouts program with Troop 30 and also coached many sports, influencing the lives of countless young people by counseling and leading them to practice the best things in life and to turn away from the bad; and

WHEREAS, Mr. O'Connor, with his wife of fifty-seven years, Mrs. Mary Louise O'Connor, had various other interests in a diverse and productive life, which included travel, golf and boating, during which later activity he became Commodore of the well-known Lake Jacomo Pontoon Club; and

WHEREAS, Mr. O'Connor was most of all a devoted husband and father in whose heart and love his family always came first.

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the memory of a distinguished Kansas Citian, John Anthony O'Connor, express their appreciation for his lifetime of good citizenship and his contributions to his church and to Kansas City and to Missouri, extend to his wife, Mrs. Mary Louise O'Connor, family and many friends most sincere sympathy on his death;

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies for the family of Mr. John Anthony O'Connor.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1230

WHEREAS, the members of the Missouri Senate have been very pleased to learn of the celebration of the 90th birthday of one of Kansas City's most distinguished citizens, Mrs. Margaret Pinkerton; and

WHEREAS, Mrs. Pinkerton, a native of Kansas City, was born March 3rd, 1908, in Kansas City. Her parents were John and Estelle Jordan both of Kansas City; and

WHEREAS, Mrs. Pinkerton was married to the late John A. Pinkerton, Sr., an immigrant from Ireland, who worked for the Marley Company until his death. They were blessed with four children, John A. Pinkerton, Jr., Peggy Hembree, Patrick Pinkerton, and Michael Pinkerton, and 6 grandchildren; and

WHEREAS, Mrs. Pinkerton is an active member of the St. Thomas More Church and has been active in the St. Thomas More Women's Council and the Ladies of Charity; and

WHEREAS, Mrs. Pinkerton is also a member of the Red Bridge Social Club, and has been very active all her life in charity work in her community; and

WHEREAS, she has been very active in the Democratic Clubs and Kansas City Politics all her life; and

WHEREAS, Mrs. Pinkerton has been a devoted mother to her family who will share in this birthday celebration at St. Thomas More Church on Sunday afternoon, March 1st, 1998;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the birthday celebration of Margaret Pinkerton, and express their appreciation for her lifetime of good citizenship and her contributions to her community and church, her family and many friends; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Margaret Pinkerton and her children; John A. Pinkerton, Jr., Peggy Hembree, Patrick Pinkerton and Michael Pinkerton.

THIRD READING OF SENATE BILLS

SB 689, introduced by Senator Jacob, entitled:

An Act to repeal section 210.030, RSMo 1994, relating to blood tests for pregnant women, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Jacob, **SB 689** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	Howard	Jacob	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Curls	Ehlmann	Johnson--3	
Absent with leave--Senator House--1			

The President Pro Tem declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 778, introduced by Senator Jacob, entitled:

An Act to repeal section 140.730, RSMo 1994, relating to the procedure for collection of personal taxes, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Jacob, **SB 778** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Curls--1			
Absent with leave--Senator House--1			

The President Pro Tem declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Quick moved that **SB 632**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 632**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 632

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to providing health care for certain uninsured children.

Was taken up.

Senator Quick moved that **SCS** for **SB 632** be adopted.

Senator Quick offered **SS** for **SCS** for **SB 632**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 632

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to providing health care for certain uninsured children.

Senator Quick moved that **SS** for **SCS** for **SB 632** be adopted.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 632, Page 2, Section 208.183, Lines 22-25 of said page, by striking all of said lines; and further amend said bill, page 3, section 208.183, lines 1-2 of said page, by striking all of said lines and inserting in lieu thereof the following: "**with available incomes between two hundred fifty percent and two hundred seventy-five percent of the federal poverty level are responsible for a ten dollar copayment for each child and a monthly premium of twenty-five dollars for the first child and ten dollars for each additional child in the managed health care package provided by the department of social services. Parents and guardians of the uninsured children with available incomes between two hundred seventy-five percent and three hundred percent of the federal poverty level are responsible for a ten dollar copayment for each child and a monthly premium of fifty dollars for the first child and twenty-five dollars for each additional child in the managed health care package provided by the department of social services.**".

Senator Sims moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 632, Page 2, Section 208.183, Lines 22-25 of said page, by striking all of said lines; and further amend said bill, page 3, section 208.183, lines 1-2 of said page, by striking all of said lines and inserting in lieu thereof the following: "**with available incomes between two hundred fifty percent and two hundred seventy-five percent of the federal poverty level are responsible for a ten dollar copayment for each child. Parents and guardians of the uninsured children with available incomes between two hundred seventy-five percent and three hundred percent of the federal poverty level are responsible for a ten dollar copayment for each child and a monthly premium of fifty dollars for the first child and twenty-five dollars for each additional child in the managed health care package provided by the department of social services.**".

Senator Caskey moved that the above substitute amendment be adopted.

Senator Ehlmann raised the point of order that **SSA 1** for **SA 1** is out of order in that the amendment is dilatory.

President Pro Tem McKenna ruled the point of order not well taken.

SSA 1 for **SA 1** was again taken up.

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

Senator Caskey offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 632, Page 1, Section 208.183, Lines 13-16, by deleting all of the words after "child" on line 13.

Senator Caskey moved that the above amendment be adopted.

Senator Quick offered **SSA 1** for **SA 1** to **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 632, Page 2, Section 208.183, Lines 22-23 of said page, by striking "three hundred" and inserting in lieu thereof the following: "**two hundred seventy-five**"; and further amend line 24 of said page, by striking the following: "and a monthly premium per child equal to"; and further amend line 25 of said page, by striking all of said line; and

Further amend said bill and section, page 3, lines 1 and 2 of said page, by striking all of said lines and inserting in lieu thereof the following: "**. Parents and guardians of uninsured children with available incomes between two**

hundred and seventy-five and three hundred percent of the federal poverty level are responsible for a fifteen dollar copayment."

Senator Quick moved that the above substitute amendment be adopted.

Senator Sims raised the point of order that **SSA 1 for SA 1 to SSA 1 for SA 1** is out of order in that it is drawn to the bill and not the substitute amendment.

At the request of Senator Quick, **SSA 1 for SA 1 to SSA 1 for SA 1** was withdrawn, rendering the point of order moot.

Senator Mathewson assumed the Chair.

Senator Quick offered **SSA 2 for SA 1 for SSA 1 for SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 632, Page 1, Lines 13-16, by striking all of said lines and inserting in lieu thereof the following: "**responsible for a fifteen dollar copayment.**".

Senator Quick moved that the above substitute amendment be adopted.

At the request of Senator Quick, **SB 632**, with **SCS, SS for SCS, SA 1, SSA 1 for SA 1, SA 1 to SSA 1 for SA 1 and SSA 2 for SA 1 to SSA 1 for SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 1231, regarding Mark Grantham, Springfield, which was adopted.

Senator Graves offered Senate Resolution No. 1232, regarding the Ninetieth Birthday of Gladys Ruth (Mishler) Hord, Fairhope, Alabama, which was adopted.

Senator Graves offered Senate Resolution No. 1233, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Russell Woods, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1234, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dale Oliver, Guilford, which was adopted.

Senator Graves offered Senate Resolution No. 1235, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Vern Summa, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 1236, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Raymond Head, Bucklin, which was adopted.

Senator Graves offered Senate Resolution No. 1237, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Norman Long, which was adopted.

Senator Graves offered Senate Resolution No. 1238, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Garland Swartz, Albany, which was adopted.

Senator Graves offered Senate Resolution No. 1239, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. E. C. Carter, Oregon, which was adopted.

Senator Graves offered Senate Resolution No. 1240, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Floyd Bridges, Clarksdale, which was adopted.

Senator Graves offered Senate Resolution No. 1241, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Quentin Parman, Stanberry, which was adopted.

Senator Graves offered Senate Resolution No. 1242, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Bennett, Fairfax, which was adopted.

Senator Howard offered Senate Resolution No. 1243, regarding Tom Ream, Piedmont, which was adopted.

Senator Singleton offered Senate Resolution No. 1244, regarding the One Hundred Twenty-fifth Anniversary of Joplin, which was adopted.

Senator Howard offered Senate Resolution No. 1245, regarding the Kennett Business and Professional Women's Club, which was adopted.

Senator Howard offered Senate Resolution No. 1246, regarding the Wednesday Music Club of Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 1247, regarding Richard H. Ross, Piedmont, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 951-By Singleton.

An Act to repeal sections 115.349, 115.383 and 115.637, RSMo 1994, and section 115.127, RSMo Supp. 1997, relating to elections, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 952-By Kenney.

An Act to repeal section 589.040, RSMo 1994, relating to sexual offenses, and to enact in lieu thereof eleven new sections relating to the same subject.

SB 953-By Yeckel.

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to environmental protection.

SB 954-By Yeckel.

An Act to repeal sections 302.060 and 302.171, RSMo Supp. 1997, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject.

SB 955-By Childers.

An Act to amend chapter 595, RSMo, by adding thereto one new section relating to rights of crime victims.

SB 956-By Quick.

An Act to repeal section 304.157, RSMo Supp. 1997, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

SB 957-By Westfall.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to juvenile records.

SB 958-By Yeckel, Sims and Bentley.

An Act to repeal sections 566.030 and 566.060, RSMo 1994, relating to crimes and punishment, and to enact in lieu thereof two new sections relating to the same subject.

SJR 38-By Caskey, McKenna and Quick.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 13 of article IV of the Constitution of Missouri, relating to the state auditor and adopting one new section in lieu thereof relating to the same subject.

SENATE BILLS FOR PERFECTION

Senator Quick moved that **SB 632**, with **SCS**, **SS** for **SCS**, **SA 1**, **SSA 1** for **SA 1**, **SA 1** to **SSA 1** for **SA 1** and **SSA 2** for **SA 1** to **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 2 for **SA 1** to **SSA 1** for **SA 1** was again taken up.

Senator Sims rose to withdraw **SA 1** and was informed by the President that **SSA 2** for **SA 1** to **SSA 1** for **SA 1** was the issue before the body and therefore she could not withdraw **SA 1**.

Senator Rohrbach raised the point of order that as sponsor of **SA 1**, Senator Sims should be allowed to withdraw her amendment at any time.

President Pro Tem McKenna ruled the point of order not well taken.

SSA 2 for **SA 1** to **SSA 1** for **SA 1** was again taken up.

Senator Mathewson assumed the Chair.

Senator Johnson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

Senator Rohrbach requested a roll call vote be taken on the adoption of **SSA 2** for **SA 1** to **SSA 1** for **SA 1**. He was joined in his request by Senators Kenney, Sims, Russell and Yeckel.

At the request of Senator Quick, **SSA 2** for **SA 1** to **SSA 1** for **SA 1** was withdrawn.

Senator Quick offered **SSA 3** for **SA 1** to **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 3

FOR SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 632, Page 1, Lines 4-16 of said amendment, by striking all of said lines and inserting in lieu thereof the following: **"with available incomes between two hundred fifty percent and two hundred seventy-five percent of the federal poverty level are responsible for a ten dollar copayment for each child. Parents and guardians of the uninsured children with available incomes between two hundred seventy-five percent and three hundred percent of the federal poverty level are responsible for a fifteen dollar copayment."**

Senator Quick moved that the above substitute amendment be adopted.

Senator Rohrbach requested a roll call vote be taken and was joined in his request by Senators Kenney, Mueller, Sims and Yeckel.

SSA 3 for SA 1 to SSA 1 for SA 1 was adopted by the following vote:

YEAS--Senators

Bentley	Caskey	Clay	Curls
DePasco	Goode	Howard	Jacob
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Scott
Sims	Staples	Wiggins--19	

NAYS--Senators

Childers	Ehlmann	Graves	Kenney
Klarich	Mueller	Russell	Singleton
Westfall	Yeckel--10		

Absent--Senator Banks--1

Absent with leave--Senators

Flotron	House	Kinder	Schneider--4
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SSA 1 for SA 1, as amended, was again taken up.

Senator Caskey moved that the above substitute amendment be adopted.

Senator Singleton requested a roll call vote be taken and was joined in his request by Senators Caskey, Childers, Ehlmann and Kenney.

SSA 1 for SA 1, as amended, was adopted by the following vote:

YEAS--Senators

Banks	Caskey	Clay	Curls
DePasco	Goode	Howard	Jacob
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Quick	Scott	Staples
Wiggins--17			

NAYS--Senators

Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Klarich	Mueller
Rohrbach	Russell	Sims	Singleton
Westfall	Yeckel--14		

Absent--Senators--None
Absent with leave--Senators

House

Kinder

Schneider--3

At the request of Senator Quick, **SB 632**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SB 625**; and **SB 650**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SB 883**; **SCS** for **SB 753**; and **SB 489**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 959-By Caskey.

An Act to repeal section 167.280, RSMo 1994, relating to placements of school age children, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

SB 960-By Caskey.

An Act to repeal section 571.030, RSMo Supp. 1997, relating to certain weapons offenses, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions and a referendum clause.

SB 961-By Howard.

An Act to repeal section 210.109, RSMo Supp. 1997, relating to the child protection system established by the division of family services, and to enact in lieu thereof one new section relating to the same subject.

SB 962-By DePasco.

An Act to repeal section 86.672, RSMo Supp. 1997, relating to certain police retirement systems, and to enact in lieu thereof one new section relating to the same subject.

SB 963-By Flotron.

An Act to repeal section 197.313, RSMo Supp. 1997, relating to care facility licensure, and to enact in lieu thereof one new section relating to the same subject.

SJR 39-By Flotron.

Joint Resolution submitting to the qualified voters of Missouri, an amendment amending article VI, of the Constitution of Missouri, by adding one new section, relating to water pollution control.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 25, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Theodore J. Steiling, Sr., Republican, 5004 Sutherland Avenue, St. Louis City, Missouri 63109, as a member of the Elevator Safety Board, for a term ending June 6, 2000, and until his successor is duly appointed and qualified; vice, Don Mayhew, Deceased.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 25, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gregory D. Evans, 709 Agnes Street, Crane, Stone County, Missouri 65633, as a member of the Well Installation Board, for a term ending February 24, 2002, and until his successor is duly appointed and qualified; vice, Earl Buechting, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 1248, regarding Matthew J. Costello, St. Charles, which was adopted.

Senator Maxwell offered Senate Resolution No. 1249, regarding the One Hundredth Birthday of Gracie "Leona" Swon, Perry, which was adopted.

Senator Maxwell offered Senate Resolution No. 1250, regarding the One Hundred First Birthday of Lura Brown, Perry,

which was adopted.

Senator Maxwell offered Senate Resolution No. 1251, regarding Mr. Thomas M. Boland, Hannibal, which was adopted.

Senator Mathewson offered Senate Resolution No. 1252, regarding the Central Missouri Association of Life Underwriters, which was adopted.

Senator Bentley offered Senate Resolution No. 1253, regarding the Reverend Dr. Dorsey E. Levell, Springfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Leroy and Loretta Welch, Butler.

Senator Maxwell introduced to the Senate, Kim Wood and Al Minner, Vandalia.

Senator Jacob introduced to the Senate, Holly Smith, Amy Cheshire and Sophia Auolo, Columbia.

Senator Kenney introduced to the Senate, Kirk and Jonathan Davis, Lee's Summit; and Jonathan was made an honorary page.

Senator Flotron introduced to the Senate, the Physician of the Day, Dr. Sam L. Page, M.D., Creve Coeur.

Senator Johnson introduced to the Senate, Monica Bolin, Shelly Schoeneck, Cindy Hausman and Christina Lund, St. Joseph.

Senator Howard introduced to the Senate, Dennis Wisdom, John Long and twenty-one students from the Sierra/Osage Treatment Center, Poplar Bluff; and Lauren Stoetzer, Steve Swiney and Jennifer Edwards were made honorary pages.

Senator Singleton introduced to the Senate, Lujene G. Clark, Mike Harris and Tom Short, Carthage.

Senator Graves introduced to the Senate, Lindy Chapman and Jerry Wilford, Chillicothe.

Senator Westfall introduced to the Senate, Joel Dermott, Lamar.

Senator Maxwell introduced to the Senate, Mr. Gillam, Paul Algood and eighth grade students from Paris Junior High, Paris.

Senator Johnson introduced to the Senate, his son, Beery Johnson, Darcy Pitts, and seventh grade students from Truman Middle School, St. Joseph.

Senator Rohrbach introduced to the Senate, Sean Jackson, Jefferson City.

Senator Sims introduced to the Senate, Dena Ladd, Gretchen Davis, Karen Nicoletti, Clare Devoto, Elizabeth Braznell and Patty Hofer, St. Louis.

Senator Bentley introduced to the Senate, Kim Acuff and Kay Clauthianx, Springfield.

Senator Bentley introduced to the Senate, Julie Bell, Denver, Colorado.

Senator Graves introduced to the Senate, Lanny and Adrienne Meng, Holt County.

Senator Childers introduced to the Senate, Don Bailey and John Sumner, Forsyth.

Senator Yeckel introduced to the Senate, Michael O'Donnell, St. Louis.

On behalf of Senators Mathewson, Kenney, Curls, DePasco and himself, Senator Wiggins introduced to the Senate, former State Senator, Judge Jack E. Gant, Jackson County.

Senator Kinder introduced to the Senate, Steve Wilson, Paul Sander, Larry Cunningham, Jack Piepenbrok, David Hitt, Val Tusckhoff, Norman Tusckhoff and Jim Roach, Cape Girardeau.

Senator DePasco introduced to the Senate, Blythe Talbot, Amy Baumgartner, Tina Reddin-Mappin, Jennifer Peterson, Georgette Page, Sarah Reid and Kelli Rogers, Kansas City.

Senator Sims introduced to the Senate, Mayor Conrad Bowers, Bridgeton.

Senator Mueller introduced to the Senate, Michael Pounds, Glendale.

On behalf of Senator McKenna, the President introduced to the Senate, Dr. Fred and Bonnie Youngblood, Festus.

Senator Rohrbach introduced to the Senate, Kenneth Rife, Wheatland; and J.C. Ousley, Cross Timbers.

Senator Kenney introduced to the Senate, Becky Marks, Independence.

Senator Sims introduced to the Senate, Linda Neal and Rose Cason, Breckenridge Hills.

Senator Caskey introduced to the Senate, Phil Duncan, Belton.

Senator Kinder introduced to the Senate, Mike Miller, Mel Kasten, Richard Eggiman, Tom Neumeyer and Walter Denton, Cape Girardeau.

Senator Caskey introduced to the Senate, Marion Crutchfield, Knob Noster.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

THIRTIETH DAY--THURSDAY, FEBRUARY 26, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Dear Lord, what do you expect of us? Are Your standards for us higher than what people expect of us or even what we expect of ourselves? We are thankful that even though Your standards for us are high, that You forgive us when we fail and always seem willing to give us another chance. Help us to live up to the best that is in us. Forgive us when we fail. Use our efforts as a blessing to others. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Quick announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator House--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Klarich offered Senate Resolution No. 1254, regarding the Ninetieth Birthday of Albin J. Goestenkers, Wildwood, which was adopted.

On behalf of Senator House, Senator Quick offered Senate Resolution No. 1255, regarding Mary Heaven Littrell, Louisiana, which was adopted.

On behalf of Senator House, Senator Quick offered Senate Resolution No. 1256, regarding Chad Richard Odom, St. Charles, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 964-By Graves.

An Act to repeal section 137.021, RSMo Supp. 1997, relating to approval of new productive values for agricultural and horticultural property, and to enact in lieu thereof one new section relating to the same subject.

SB 965-By Westfall, Maxwell and Kinder.

An Act to repeal sections 143.011, 143.071, 144.021, 144.440, 144.700, 144.701, 163.022, 163.032, 164.013 and 177.088, RSMo 1994, and sections 137.073, 144.020, 163.011, 163.021, 163.031, 163.087, 164.011 and 165.011, RSMo Supp. 1997, relating to funding for public schools, and to enact in lieu thereof fourteen new sections relating to the same subject, with an effective date for a certain section and a referendum clause.

SB 966-By Scott.

An Act to repeal sections 162.581 and 162.601, RSMo 1994, relating to public schools, and to enact in lieu thereof two new sections relating to the same subject.

SB 967-By Scott.

An Act to repeal sections 163.161, 313.805 and 313.822, RSMo 1994, relating to public schools, and to enact in lieu thereof nine new sections relating to the same subject.

SB 968-By Scott.

An Act to repeal sections 160.538 and 168.221, RSMo 1994, relating to public schools, and to enact in lieu thereof four new sections relating to the same subject.

SB 969-By Scott.

An Act to repeal sections 163.011 and 163.031, RSMo Supp. 1997, relating to public schools, and to enact in lieu thereof three new sections relating to the same subject.

SB 970-By Maxwell.

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to the department of agriculture.

SB 971-By Maxwell.

An Act to repeal section 191.807, RSMo 1994, relating to the women, infants and children program, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 972-By Maxwell and Johnson.

An Act to repeal section 143.111, RSMo 1994, relating to income tax deduction for certain contributions, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

SB 973-By Maxwell.

An Act to repeal sections 52.260, 137.115, 137.720, 137.722 and 137.750, RSMo 1994, and sections 138.395 and 163.031, RSMo Supp. 1997, relating to assessment and collection of property taxes, and to enact in lieu thereof nine new sections relating to the same subject, with effective dates for certain sections.

SB 974-By Maxwell.

An Act to repeal sections 409.101, 409.303, 409.305, 409.402, 409.408, 409.409, 409.410 and 409.823, RSMo 1994, and sections 409.201, 409.202, 409.401, 409.407 and 409.415, RSMo Supp. 1997, relating to the regulation of securities, and to enact in lieu thereof fourteen new sections relating to the same subject.

SB 975-By Jacob.

An Act to amend chapter 16, RSMo, by adding thereto four new sections relating to interstate cooperation.

SB 976-By Curls.

An Act to repeal sections 208.040, 208.044 and 208.325, RSMo 1994, and to enact in lieu thereof five new sections relating to temporary assistance to needy families.

SB 977-By Curls.

An Act to repeal sections 430.230, 430.235, 430.240 and 430.250, RSMo 1994, relating to liens for the protection of licensed health practitioners, and to enact in lieu thereof four new sections relating to the same subject.

SB 978-By Curls.

An Act to repeal sections 32.111, 32.112 and 32.115, RSMo Supp. 1997, section 32.125 as enacted by senate bill no. 3 of the first regular session of the eighty-eighth general assembly, and section 32.125 as enacted by senate bill no. 374 of the first regular session of the eighty-eighth general assembly, relating to tax credits for assistance to affordable housing, and to enact in lieu thereof four new sections relating to the same subject.

SB 979-By Curls.

An Act to repeal section 208.040, RSMo 1994, relating to eligibility standards for public assistance, and to enact in lieu thereof two new sections relating to the same subject.

SB 980-By Curls.

An Act to repeal section 208.070, RSMo 1994, relating to public assistance accountability, and to enact in lieu thereof two new sections relating to the same subject.

SENATE BILLS FOR PERFECTION

Senator Quick moved that **SB 632**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 632**, as amended, was again taken up.

Senator Sims offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 632, Page 3, Section 208.183, Line 14 of said page, by inserting immediately after all of said line the following:

"8. The department of social services shall prepare an annual report to the governor and the general assembly on the effect of this program. The report shall include, but is not limited to:

(1) The number of children participating in the program in each income category;

- (2) The effect of the program on the number of children covered by private insurers;**
- (3) The effect of the program on medical facilities, particularly emergency rooms; and**
- (4) The overall effect of the program on the health care of Missouri residents.**

9. The department of social services shall establish an identification program to identify children not participating in the program though eligible for extended medical coverage. The department's efforts to identify these uninsured children shall include, but not be limited to:

- (1) Working closely with hospitals and other medical facilities; and**
- (2) Establishing a statewide education and information program."; and**

Further amend by renumbering the remaining subsection accordingly.

Senator Sims moved that the above amendment be adopted.

Senator Rohrbach offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 632, Page 1, Section 208.183, Lines 4-14 of said bill, by striking all of said lines; and

Further amend said bill, page 2, lines 1 to 17, of said page, by striking all of said lines and inserting in lieu thereof the following:

"Section 1. 1. This act shall be known and may be cited as the "Missouri Children's Health Insurance Program".

2. As used in sections 1 to 5 of this act, the following terms shall mean:

- (1) "Certified child health plan", health insurance coverage provided by a participating insurer consistent with sections 1 to 5 of this act;**
- (2) "Child", a natural person less than nineteen years of age who is a resident of Missouri;**
- (3) "Department", the Missouri department of insurance;**
- (4) "Group health plan", the meaning given such term under section 2791 of the federal Public Health Service Act, 42 U.S.C. 300gg-91;**
- (5) "Health insurance coverage", the meaning given such term under section 2791 (b)(1) of the federal Public Health Service Act, 42 U.S.C. 300gg-91;**
- (6) "Participating insurer", any entity licensed to provide health insurance in Missouri that has been certified by the department to offer health insurance coverage to targeted low-income children pursuant to sections 1 to 5 of this act;**
- (7) "Poverty", the meaning given such term in section 673(2) of the federal Community Service Block Grant Act, 42 U.S.C. 9902(2), as amended;**
- (8) "Preexisting condition exclusion", the meaning given such term in section 2701(b)(1)(A) of the federal Public Health Service Act, 42 U.S.C. 300gg(b)(1)(A);**

(9) "Targeted child", a child, except as provided by paragraph (d) of this subdivision, who:

(a) Has been determined eligible under sections 1 to 5 of this act;

(b) Is a child whose family income is at or below two hundred percent of the federal poverty level; and

(c) Is not found to be eligible for medical assistance as authorized in section 208.151, RSMo, or covered under a group health plan or under any other health insurance coverage;

(d) Such term does not include:

a. A child who is an inmate in a correctional facility or a patient in an institution for mental diseases; or

b. A child who is a member of a family that is eligible for health benefit coverage under a state employee health benefit plan.

Section 2. 1. The department shall be responsible for certifying the health plans which meet the coverage requirements of section 3 of this act and provides benefits which meet or exceed those outlined in section 5 of this act.

2. Up to ten percent of the federal and state funds shall be used for:

(1) Outlays through the department of health to local health agencies for children's health programs; and

(2) Other reasonable costs incurred by the state to administer the program.

Section 3. 1. Certified child health plans must offer the following:

(1) Coverage to targeted children without the imposition of a preexisting condition exclusion, except that a preexisting condition exclusion may be applied if the certified child health plan is provided through a group health plan or group health insurance coverage, consistent with the limitations on the imposition of preexisting conditions exclusions in connection with such coverage under state and federal law;

(2) Coverage to targeted children regardless of health status;

(3) The option for insured children to change enrollment between participating insurers upon the annual coverage renewal date, provided that at least six months notice of an election to change enrollment is provided to the participating insurer with which the child is currently enrolled. The notice provision shall be reduced to sixty days if the child has changed residence to an area outside the geographic service area of the participating insurer with which the child is currently enrolled.

2. Premium and cost-sharing amounts for certified child health plans are limited to the following:

(1) No deductible, coinsurance or other cost-sharing is permitted with respect to benefits for well-baby and well-child care including age-appropriate immunizations;

(2) For children whose family income is at or below one hundred fifty percent of the federal poverty level:

(a) Premiums, enrollment fees or similar charges may not exceed the maximum monthly charge permitted consistent with standards established to carry out section 1916 (b)(1) of Title XIX of the federal Social Security Act, 42 U.S.C. 201 et seq.; and

(b) Deductibles and other cost-sharing shall not exceed an amount that is nominally consistent with standards provided under Section 1916 (a)(3) of Title XIX of the federal Social Security Act, 42 U.S.C. 301 et seq., as adjusted;

(3) For children whose family income is more than one hundred fifty percent of the federal poverty level, premiums, deductibles, and other cost-sharing may be imposed on a sliding scale related to income, provided that the total annual aggregate cost-sharing with respect to all targeted children in a family under sections 1 to 5 of this act shall not exceed five percent of such family's income for the year involved."; and

Further amend said bill, page 3, section 208.133, lines 3 to 14 of said page, by striking all of said lines and inserting in lieu thereof the following:

"3. Existing health insurance sales and marketing methods for certified child health plans, including the use of agents and payment of commissions, shall be utilized to inform families of the availability of certified children's health plans and assist them in obtaining such coverage for children."; and

Further amend line 15 of page 3, by striking "8." and inserting in lieu thereof **"4.";** and

Further amend said bill and section, page 4, line 11 of said page, by inserting after all of said line the following:

"Section 4. For tax years beginning on or after January 1, 1999, eligible taxpayers whose children are covered by private insurers through programs which meet or exceed the benefits consistent with section 5 of this act may claim a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo. Taxpayers are not allowed tax credits for payments made for the receipt of benefits provided for in section 208.151, RSMo. If the amount allowable exceeds the income tax reduced by other credits, then the excess shall be considered an overpayment of income tax. The credit shall be allowed in the following percentages of health insurance premiums based on the level of the taxpayers' combined Missouri adjusted gross income as a percentage of the federal poverty level:

	Percentage of health insurance premiums that may Income as a percentage be claimed as a of federal poverty level refundable tax credit
100-150%	90%
151-175%	80%
176-200%	70%
201-225%	60%
226-250%	50%
251-275%	40%
278-300%	30%

The director of the department of revenue shall promulgate rules and regulations to determine taxpayer qualifications and filing requirements for the credit authorized pursuant to this section. No rule or portion of a rule promulgated pursuant to authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 5. 1. A certified child health plan shall contain benefits consistent with either subsection 2, 3 or 4 of this section. However, nothing in sections 1 to 5 of this act shall be construed to prevent a qualified child health plan from offering a category of benefits that are not specified herein.

2. The first option is health insurance coverage equivalent to one of the following:

(1) The standard health services corporation preferred provider option under the Federal Employees Health Benefit Plan, 5 U.S.C. 8903 (1); or

(2) A health benefits coverage plan that is offered and generally available to state employees; or

(3) Health insurance coverage offered by the health maintenance organization that has the largest insured commercial, non-medicaid enrollment of covered lives in the state.

3. The second option is:

(1) Health insurance coverage that has an aggregate actuarial value at least equivalent to subdivision (1), (2) or (3) of subsection 1 of this section and that includes coverage for the following basic services:

(a) Inpatient and outpatient hospital services;

(b) Physicians' surgical and medical services;

(c) Laboratory and x-ray services; and

(d) Well-baby and well-child care, including age-appropriate immunizations;

(2) Health insurance coverage based on actuarial equivalence for basic services, as described in subdivision (1) of this subsection, may provide the following additional services if the coverage for such services has an actuarial value of at least seventy-five percent of the actuarial value of the coverage provided in that category of services in such package:

(a) Coverage of prescription drugs;

(b) Mental health services;

(c) Vision services;

(d) Hearing services.

4. The third option is, upon application by this state, any other health insurance coverage that has been approved by the United States Secretary of Health and Human Services."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above substitute amendment be adopted.

Senator Caskey raised the point of order that **SSA 1** for **SA 2** is out of order as it is not a true substitute for **SA 2** since it does not prohibit **SA 2** from being offered later. He raised a further point of order that the substitute amendment is out of order as it is a substitute for the original bill rather than for **SA 2**.

Senator Mathewson assumed the Chair.

The point of order was referred to the President Pro Tem.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

President Pro Tem McKenna ruled the point of order raised by Senator Caskey relating to the amendment being a true substitute amendment well taken, and explained that the portion of the point of order relating to the substitute amendment being a substitute for the bill rather than the original amendment would not have been well taken.

President Pro Tem McKenna assumed the Chair.

SA 2 was again taken up.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 632, Page 2, Section 208.183, Line 14 of said page, by striking the word "and"; and

Further amend said bill, page 2, Section 208.183, Line 17 of said page, by striking the period "." and inserting in lieu thereof the following: **"; and**

(4) After the first year demonstrate annually their child's participation in wellness programs including inoculations and an annual physical examination."

Senator Sims moved that the above amendment be adopted.

Senator Rohrbach offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 632, Page 1, Section 208.183, Lines 4-14 of said bill, by striking all of said lines; and

Further amend said bill, page 2, lines 1 to 17, of said page, by striking all of said lines and inserting in lieu thereof the following:

"Section 1. 1. This act shall be known and may be cited as the "Missouri Children's Health Insurance Program".

2. As used in sections 1 to 5 of this act, the following terms shall mean:

(1) "Certified child health plan", health insurance coverage provided by a participating insurer consistent with sections 1 to 5 of this act;

(2) "Child", a natural person less than nineteen years of age who is a resident of Missouri;

(3) "Department", the Missouri department of insurance;

(4) "Group health plan", the meaning given such term under section 2791 of the federal Public Health Service Act, 42 U.S.C. 300gg-91;

(5) "Health insurance coverage", the meaning given such term under section 2791 (b)(1) of the federal Public Health Service Act, 42 U.S.C. 300gg-91;

(6) "Participating insurer", any entity licensed to provide health insurance in Missouri that has been certified by the department to offer health insurance coverage to targeted low-income children pursuant to sections 1 to 5 of this act;

(7) "Poverty", the meaning given such term in section 673(2) of the federal Community Service Block Grant Act, 42 U.S.C. 9902(2), as amended;

(8) "Preexisting condition exclusion", the meaning given such term in section 2701(b)(1)(A) of the federal Public Health Service Act, 42 U.S.C. 300gg(b)(1)(A);

(9) "Targeted child", a child, except as provided by paragraph (d) of this subdivision, who:

(a) Has been determined eligible under sections 1 to 5 of this act;

(b) Is a child whose family income is at or below two hundred percent of the federal poverty level; and

(c) Is not found to be eligible for medical assistance as authorized in section 208.151, RSMo, or covered under a group health plan or under any other health insurance coverage;

(d) Such term does not include:

a. A child who is an inmate in a correctional facility or a patient in an institution for mental diseases; or

b. A child who is a member of a family that is eligible for health benefit coverage under a state employee health benefit plan.

Section 2. 1. The department shall be responsible for certifying the health plans which meet the coverage requirements of section 3 of this act and provides benefits which meet or exceed those outlined in section 5 of this act.

2. Up to ten percent of the federal and state funds shall be used for:

(1) Outlays through the department of health to local health agencies for children's health programs; and

(2) Other reasonable costs incurred by the state to administer the program.

Section 3. 1. Certified child health plans must offer the following:

(1) Coverage to targeted children without the imposition of a preexisting condition exclusion, except that a preexisting condition exclusion may be applied if the certified child health plan is provided through a group health plan or group health insurance coverage, consistent with the limitations on the imposition of preexisting conditions exclusions in connection with such coverage under state and federal law;

(2) Coverage to targeted children regardless of health status;

(3) The option for insured children to change enrollment between participating insurers upon the annual coverage renewal date, provided that at least six months notice of an election to change enrollment is provided to the participating insurer with which the child is currently enrolled. The notice provision shall be reduced to sixty days if the child has changed residence to an area outside the geographic service area of the participating insurer with which the child is currently enrolled.

2. Premium and cost-sharing amounts for certified child health plans are limited to the following:

(1) No deductible, coinsurance or other cost-sharing is permitted with respect to benefits for well-baby and well-child care including age-appropriate immunizations;

(2) For children whose family income is at or below one hundred fifty percent of the federal poverty level:

(a) Premiums, enrollment fees or similar charges may not exceed the maximum monthly charge permitted consistent with standards established to carry out section 1916 (b)(1) of Title XIX of the federal Social Security Act, 42 U.S.C. 201 et seq.; and

(b) Deductibles and other cost-sharing shall not exceed an amount that is nominally consistent with standards provided under Section 1916 (a)(3) of Title XIX of the federal Social Security Act, 42 U.S.C. 301 et seq., as adjusted;

(3) For children whose family income is more than one hundred fifty percent of the federal poverty level, premiums, deductibles, and other cost-sharing may be imposed on a sliding scale related to income, provided that the total annual aggregate cost-sharing with respect to all targeted children in a family under sections 1 to 5 of this act shall not exceed five percent of such family's income for the year involved." ; and

Further amend said bill, page 3, section 208.133, lines 3 to 14 of said page, by striking all of said lines and inserting in lieu thereof the following:

"3. Existing health insurance sales and marketing methods for certified child health plans, including the use of agents and payment of commissions, shall be utilized to inform families of the availability of certified children's health plans and assist them in obtaining such coverage for children." ; and

Further amend line 15 of page 3, by striking "8." and inserting in lieu thereof **"4."**; and

Further amend said bill and section, page 4, line 11 of said page, by inserting after all of said line the following:

"Section 4. For tax years beginning on or after January 1, 1999, eligible taxpayers whose children are covered by private insurers through programs which meet or exceed the benefits consistent with section 5 of this act may claim a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo. Taxpayers are not allowed tax credits for payments made for the receipt of benefits provided for in section 208.151, RSMo. If the amount allowable exceeds the income tax reduced by other credits, then the excess shall be considered an overpayment of income tax. The credit shall be allowed in the following percentages of health insurance premiums based on the level of the taxpayers' combined Missouri adjusted gross income as a percentage of the federal poverty level:

	Percentage of health insurance premiums that may Income as a percentage be claimed as a of federal poverty level refundable tax credit
100-150%	90%
151-175%	80%
176-200%	70%
201-225%	60%
226-250%	50%
251-275%	40%
278-300%	30%

The director of the department of revenue shall promulgate rules and regulations to determine taxpayer qualifications and filing requirements for the credit authorized pursuant to this section. No rule or portion of a rule promulgated pursuant to authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 5. 1. A certified child health plan shall contain benefits consistent with either subsection 2, 3 or 4 of this section. However, nothing in sections 1 to 5 of this act shall be construed to prevent a qualified child health plan

from offering a category of benefits that are not specified herein.

2. The first option is health insurance coverage equivalent to one of the following:

(1) The standard health services corporation preferred provider option under the Federal Employees Health Benefit Plan, 5 U.S.C. 8903 (1); or

(2) A health benefits coverage plan that is offered and generally available to state employees; or

(3) Health insurance coverage offered by the health maintenance organization that has the largest insured commercial, non-medicaid enrollment of covered lives in the state.

3. The second option is:

(1) Health insurance coverage that has an aggregate actuarial value at least equivalent to subdivision (1), (2) or (3) of subsection 1 of this section and that includes coverage for the following basic services:

(a) Inpatient and outpatient hospital services;

(b) Physicians' surgical and medical services;

(c) Laboratory and x-ray services; and

(d) Well-baby and well-child care, including age-appropriate immunizations;

(2) Health insurance coverage based on actuarial equivalence for basic services, as described in subdivision (1) of this subsection, may provide the following additional services if the coverage for such services has an actuarial value of at least seventy-five percent of the actuarial value of the coverage provided in that category of services in such package:

(a) Coverage of prescription drugs;

(b) Mental health services;

(c) Vision services;

(d) Hearing services.

4. The third option is, upon application by this state, any other health insurance coverage that has been approved by the United States Secretary of Health and Human Services."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above substitute amendment be adopted.

Senator Kinder requested a roll call vote be taken on the adoption of **SSA 1** for **SA 3** and was joined in his request by Senators Ehlmann, Kenney, Singleton and Wiggins.

Senator Johnson assumed the Chair.

Senator Maxwell offered **SA 1** to **SSA 1** for **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 632, Page 2, Section 1, Line 26, by striking all of said amendment after line 26 through page 8, line 1 and insert in lieu thereof "; and".

Senator Maxwell moved that the above amendment be adopted.

At the request of Senator Maxwell, **SA 1** to **SSA 1** for **SA 3** was withdrawn.

Senator Ehlmann offered **SA 2** to **SSA 1** for **SA 3**, which was read:

SENATE AMENDMENT NO. 2 TO SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 632, Page 6, Section 4, Line 15, by adding the following: "The Director of Revenue shall promulgate rules and regulations to allow anyone who qualifies for the tax credit to adjust their withholding accordingly.".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

President Pro Tem McKenna assumed the Chair.

SSA 1 for **SA 3**, as amended, was again taken up.

At the request of Senator Quick, **SB 632**, with **SCS**, **SS** for **SCS**, **SA 3** and **SSA 1** for **SA 3**, as amended (pending), was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 981-By Schneider.

An Act to repeal section 287.210, RSMo 1994, relating to workers compensation, and to enact in lieu thereof one new section relating to the same subject.

SB 982-By Schneider.

An Act to repeal section 287.160, RSMo 1994, relating to workers compensation, and to enact in lieu thereof one new section relating to the same subject.

SB 983-By Yeckel.

An Act to repeal section 143.111, RSMo 1994, relating to certain income tax deductions, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

SB 984-By Yeckel.

An Act relating to medical savings accounts.

SB 985-By Maxwell.

An Act to repeal section 169.070, RSMo Supp. 1997, relating to public school retirement survivor options, and to enact in lieu thereof one new section relating to the same subject.

SB 986-By Lybyer.

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to state operated communication systems.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 1182**, begs leave to report that it has considered the same and recommends that the resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Resolution No. 1182, Page 203, Column 1, Lines 27-32 of the Senate Journal for Monday, February 16, 1998, by striking all of said lines and inserting in lieu thereof the following:

"The Committee shall review each concurrent resolution, except those dealing with questions of adjournment or going into joint session, prior to its assignment to Committee to determine whether it has the force and effect of law. If it is so determined, the Committee will report its finding to the Senate and if the Committee Report is adopted, the resolution shall be treated in its passage, in all respects, as is a bill. No floor debate shall be allowed on the motion to adopt the committee report."

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 1183**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 1184**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Senator Curls, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 800**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Clay, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 471**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 767**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1148**, entitled:

An Act to repeal sections 319.129, 319.131 and 319.133, RSMo Supp. 1997, relating to the petroleum storage tank insurance fund, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate the House has taken up and passed **HB 1144**, entitled:

An Act to repeal section 386.570, RSMo 1994, relating to penalties for violation of public service commission orders, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1160**, entitled:

An Act to repeal section 375.786, RSMo 1994, relating to certificates of authority required for the transaction of insurance business, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **1609**, entitled:

An Act to repeal section 84.160, RSMo Supp.1997, relating to the police force in certain cities, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 1257, regarding the Missouri Wing of the Confederate Air Force, Inc., which was adopted.

Senator Sims offered Senate Resolution No. 1258, regarding Kristen Andersen, St. Louis, which was adopted.

On motion of Senator Quick, the Senate recessed until 1:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

COMMUNICATIONS

President Pro Tem McKenna submitted the following:

February 24, 1998

Mr. Marty Drewel

Senate Appropriations Staff

Capitol Building

Jefferson City, MO 65101

Dear Mr. Drewel:

Please be advised that I am hereby appointing you a member of the Missouri Interagency Planning Council, Executive Order 94-04 to replace Mr. Tim Dawson.

If you have any questions or concerns please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Missouri Senate

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Mr. and Mrs. Chen, Beijing, China.

Senator Bentley introduced to the Senate, Linda and Nick Paroff, Kansas City.

On behalf of Senator Wiggins and himself, Senator Kenney introduced to the Senate, Jim and Shara Spilker, and their children, Kristin, Scott and Megan, home schoolers from Kansas City; and Kristin, Scott and Megan were made honorary pages.

Senator Rohrbach introduced to the Senate, Shelley Sloca, Jefferson City; and Shelley was made an honorary page.

Senator Rohrbach introduced to the Senate, the

Physician of the Day, Dr. Jordan Page, Jefferson City.

Senator Bentley introduced to the Senate, Teri Hacker and Charlie Denison, Springfield.

Senator Mueller introduced to the Senate, Cindy Nichols, Leslie Bartin, Cindy Stevens and sixty-eighth fourth grade students from Robinson Elementary School, St. Louis; and Ali Leugold, Katy Nichols, Alex Kerr and Dylan Compton were made honorary pages.

Senator Lybyer introduced to the Senate, Cassie Lane and fourth grade students from Newburg Elementary School, Newburg; and Melissa Wallace, Tara Hunt, Jason White, Shawn Warren, Augusta Turner and Kelsey Beyers were made honorary pages.

Senator Russell introduced to the Senate, seventy-five third grade students from Hubble Elementary School, Marshfield.

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Monday, March 2, 1998.

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FIRST DAY--MONDAY, MARCH 2, 1998

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, when Jesus told the story of the good Samaritan, we learned that everyone is our neighbor; and the way to be a good neighbor is to help those in need. We pray for opportunities to minister, to lift another's burden, to make life easier for others, to be a good neighbor. We want to be a good neighbor as that is the best way to have one. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Quick moved that the Senate Journal for Thursday, February 26, 1998, be corrected on Page 303, Column 2, Line 4, by inserting immediately before the numeral "**1609**" the word "**HB**", which motion prevailed.

The Journal for Thursday, February 26, 1998, was read and approved, as corrected.

Senator Quick announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

President Wilson assumed the Chair.

Senator Wiggins assumed the Chair.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 1259, regarding Eric Monroe Franklin, which was adopted.

Senator Howard offered Senate Resolution No. 1260, regarding the Kiwanis Club of Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 1261, regarding the Ladies Auxiliary to the Kennett Eagles, which was adopted.

Senator Howard offered Senate Resolution No. 1262, regarding Women For Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 1263, regarding the Rotary Club of Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 1264, regarding the Kennett Progress Club, which was adopted.

Senator Howard offered Senate Resolution No. 1265, regarding the Fraternal Order of Eagles 3715 of Kennett, which was adopted.

Senator Howard offered Senate Resolution No. 1266, regarding the Kennett LaFemme Club, which was adopted.

Senator Howard offered Senate Resolution No. 1267, regarding the Kennett Lions Club, which was adopted.

Senator Howard offered Senate Resolution No. 1268, regarding the SEMO Little Theatre Group of Kennett, which was adopted.

Senator Kenney offered Senate Resolution No. 1269, regarding Willa Bingham, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1270, regarding Cody Fritts, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1271, regarding Kelsey Mack, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1272, regarding Paul Green, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1273, regarding John Nichols, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1274, regarding Catherine Curtis, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 1275, regarding Robie Mathews, which was adopted.

Senator Kenney offered Senate Resolution No. 1276, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Delvin Chubick, Sr., Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1277, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Milton White, Sr., Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1278, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William McMullen, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1279, regarding Christopher Edwards Moody, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1280, regarding Daniel Bradford Cotterman, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 1281, regarding Jared Michael Wolfe, Lee's Summit, which was adopted.

Senator Yeckel offered Senate Resolution No. 1282, regarding Patrick Fischer, Affton, which was adopted.

Senator Mathewson offered Senate Resolution No. 1283, regarding the Eightieth Birthday of Vineda Self, Marshall,

which was adopted.

Senator Wiggins offered Senate Resolution No. 1284, regarding Jim and Agnes Turnbaugh and Ruth Davis, Grandview, which was adopted.

Senator Schneider offered Senate Resolution No. 1285, regarding the Hazelwood School District, which was adopted.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 924--Judiciary.

SB 925--Corrections and General Laws.

SB 926--Education.

SB 927--Local Government and Economic Development.

SB 928--Aging, Families and Mental Health.

SB 929--Judiciary.

SB 930--Corrections and General Laws.

SB 931--Ways and Means.

SB 932--Ways and Means.

SB 933--Ways and Means.

SB 934--Judiciary.

SB 935--Civil and Criminal Jurisprudence.

SB 936--Ways and Means.

SB 937--Education.

SB 938--Ways and Means.

SB 939--Public Health and Welfare.

SB 940--Public Health and Welfare.

SB 941--Public Health and Welfare.

SB 942--Corrections and General Laws.

SB 943--Insurance and Housing.

SB 944--Local Government and Economic Development.

SB 945--Agriculture, Conservation, Parks and Tourism.

SB 946--Transportation.

SB 947--Education.

SB 948--Transportation.

SB 949--Ways and Means.

SB 950--Local Government and Economic Development.

SB 951--Elections, Pensions and Veterans' Affairs.

SB 952--Civil and Criminal Jurisprudence.

SB 953--Commerce and Environment.

SB 954--Transportation.

SB 955--Civil and Criminal Jurisprudence.

SB 956--Commerce and Environment.

SB 957--Education.

SB 958--Civil and Criminal Jurisprudence.

SB 959--Education.

SB 960--Civil and Criminal Jurisprudence.

SB 961--Aging, Families and Mental Health.

SB 962--Elections, Pensions and Veterans' Affairs.

SB 963--Aging, Families and Mental Health.

SB 964--Ways and Means.

SB 965--Education.

SB 966--Education.

SB 967--Education.

SB 968--Education.

SB 969--Education.

SB 970--Agriculture, Conservation, Parks and Tourism.

SB 971--Public Health and Welfare.

SB 972--Ways and Means.

SB 973--Local Government and Economic Development.

SB974--Financial and Governmental Organization.

SB 975--Interstate Cooperation.

SB 976--Public Health and Welfare.

SB 977--Judiciary.

SB 978--Insurance and Housing.

SB 979--Public Health and Welfare.

SB 980--Public Health and Welfare.

SB 981--Judiciary.

SB 982--Judiciary.

SB 983--Ways and Means.

SB 984--Ways and Means.

SB 985--Elections, Pensions and Veterans' Affairs.

SB 986--Appropriations.

SJR 37--Corrections and General Laws.

SJR38--Financial and Governmental Organization.

SJR39--Financial and Governmental Organization.

THIRD READING OF SENATE BILLS

SB 764, introduced by Senator McKenna, entitled:

An Act to repeal section 473.767, RSMo 1994, relating to probate code, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator McKenna, **SB 764** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Kinder--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Clay moved that motion lay on the table, which motion prevailed.

SB 787, with **SCA 1**, introduced by Senator Clay, entitled:

An Act to amend chapter 620, RSMo, by adding thereto six new sections relating to the development of microenterprise programs.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Clay moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Clay, **SB 787**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senator Mueller--1			
Absent--Senator Kinder--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SB 809, introduced by Senator Klarich, entitled:

An Act to amend chapter 71, RSMo, by adding thereto one new section relating to certain real property.

Was called from the Consent Calendar and taken up.

On motion of Senator Klarich, **SB 809** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney

Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

NAYS--Senators--None

Absent--Senator Kinder--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Quick moved that **SB 632**, with **SCS**, **SS** for **SCS**, **SA 3** and **SSA 1** for **SA 3**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 3**, as amended, was again taken up.

President Pro Tem McKenna assumed the Chair.

Senator Johnson assumed the Chair.

Senator Kenney offered **SA 3** to **SSA 1** for **SA 3**, which was read:

SENATE AMENDMENT NO. 3 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 632, Page 6, Section 4, Line 9, by deleting the word "278" and insert in lieu thereof the word "**276**".

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 4** to **SSA 1** for **SA 3**:

SENATE AMENDMENT NO. 4 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 632, Page 300, Column 2, Line 20 of said column of the Senate Journal for Thursday, February 26, 1998, by inserting immediately after said line the following:

"Taxpayers eligible for a tax credit are allowed to assign these tax credits to their children's health insurer, or, to

their employer if their employer provides insurance coverage for the taxpayer's children. Such assignable tax credits must be made on a dollar for dollar basis."

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach moved that **SSA 1** for **SA 3**, as amended, be adopted, which motion failed by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Schneider
Sims	Singleton	Westfall	Yeckel--16
NAYS--Senators			
Banks	Caskey	Curls	DePasco
Goode	House	Howard	Jacob
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Quick	Scott	Staples
Wiggins--17			
Absent--Senator Clay--1			
Absent with leave--Senators--None			

SA 3 was again taken up.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

President Pro Tem McKenna assumed the Chair.

At the request of Senator Quick, **SS** for **SCS** for **SB 632**, as amended, was withdrawn.

Senator Quick offered **SS No. 2** for **SCS** for **SB 632**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 632

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to providing health care for certain uninsured children.

Senator Quick moved that **SS No. 2** for **SCS** for **SB 632** be adopted.

Senator Kenney offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632, Page 5, Section 208.183, Line 11, by adding immediately after the word "program" on line 11 the following "; **and annually thereafter**".

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632, Page 4, Section 208.183, Line 8 of said page, by inserting immediately after all of said line the following:

"8. The department of social services shall commission a study on the impact of this program on providing a comprehensive array of community-based wrap around services for seriously emotionally disturbed children and children affected by substance abuse. The department shall issue a report to the general assembly within forty-five days of the twelve month anniversary of the beginning of this program and yearly thereafter. This report shall include recommendations to the department on how to improve access to the provisions of community-based wrap around services under this act."; and further amend by renumbering the remaining subsections accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632, Page 1, Section 208.183, Line 7, by inserting after the period on said line the following: **"the provisions of this section shall be void and of no effect after July 1, 2002"**.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632, Page 1, Section 208.183, Line 7, by inserting immediately after the word "appropriation" the following: **"; however, excluding the first year appropriation no appropriation shall exceed the amount of federal funds received for the program and the amount saved by the state in the previous fiscal year under the Medicaid managed care plus program"**.

Senator Ehlmann moved that the above amendment be adopted, which motion failed.

Senator Kenney offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632, Page 3, Section 208.183, Line 2, by deleting the words "five dollar" and insert in lieu thereof the words **"seven dollar and fifty cent"**; and

Further amend said bill, page 3, line 8, by deleting the word "five" and insert in lieu thereof the word **"ten"**; and

Further amend said bill, page 3, line 14, by deleting the word "five" and insert in lieu thereof the following: **"ten"**.

Senator Kenney moved that the above amendment be adopted, which motion failed.

Senator Singleton offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632, Page 5, Section 208.183.10, Line 15, by adding following the word **"impact"** the following **"in addition to remedies already in this act"**.

Senator Singleton moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Sims offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632, Page 5, Section 208.183, Line 25 of said page, by adding after said line the following:

"Section 1. Ten percent of any federal funds received under the provisions of Title XXI of the Social Security Act and ten percent of any state funds used to match those federal funds shall be used for outlays through the department of health to local public health agencies for children's health programs."; and

Further amend said bill, by amending the titling and enacting clauses accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632, Page 2, Section 208.183, Line 5, by striking "three hundred" and inserting in lieu thereof "two hundred fifty"; and

Further amend said bill, page 3, section 208.183, line 5, by striking all of lines 5 through 17, and inserting in lieu thereof "the department of social services. No".

Senator Westfall moved that the above amendment be adopted, which motion failed.

Senator Yeckel offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632, Page 5, Section 208.183, Line 25, by inserting after said section the following:

"Section 1. In lieu of the program established in section 208.183 RSMo, parents of uninsured children may choose to claim a forty percent credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo for premiums paid toward private insurers. If the amount allowable exceeds the income tax reduced by other credits, then the excess shall be considered an overpayment of income tax."; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted.

Senator Yeckel offered **SSA 1** for **SA 9**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632, Page 5, Section 208.183, Line 25, by inserting after said section the following:

"Section 1. In lieu of the program established in section 208.183 RSMo, parents of uninsured children eligible for the program established in section 208.183 RSMo, may choose to claim a forty percent credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo for premiums paid toward private insurers. If the amount allowable exceeds the income tax reduced by other credits, then the

excess shall be considered an overpayment of income tax."; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above substitute amendment be adopted, which motion failed.

SA 9 was again taken up.

Senator Yeckel moved that the above amendment be adopted, which motion failed.

Senator Quick moved that **SS No. 2** for **SCS** for **SB 632**, as amended, be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Childers, Maxwell and Russell.

SS No. 2 for **SCS** for **SB 632**, as amended, was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Goode
Graves	House	Howard	Jacob
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Scott
Sims	Staples	Wiggins--23	
NAYS--Senators			
Ehlmann	Flotron	Kenney	Kinder
Klarich	Rohrbach	Russell	Singleton
Westfall	Yeckel--10		
Absent--Senator Schneider--1			
Absent with leave--Senators--None			

On motion of Senator Quick, **SS No. 2** for **SCS** for **SB 632**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 927**, entitled:

An Act to repeal section 36.150, RSMo 1994 and section 105.473, RSMo Supp. 1997, relating to certain political activities, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 957** and **1063**, entitled:

An Act to repeal sections 407.400 and 407.413, RSMo 1994, relating to merchandising practices by certain distributors of intoxicating liquor for the sole purpose of enacting in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1519** and **1165**, entitled:

An Act to repeal sections 41.435, 42.105 and 173.215, RSMo 1994, and sections 173.239 and 313.835, RSMo Supp. 1997, and to enact in lieu thereof eight new sections for the purpose of the distribution of moneys from the gaming commission fund, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 27, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Helen P. Gab, 460 Melville, University City, St. Louis County, Missouri 63130, as the public member of the State Committee of Psychologists, for a term ending August 28, 2002, and until her successor is duly appointed and qualified; vice, Yolanda Lorge, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 27, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stuart S. Scroggs, AIA, 1008 Maplewood, Columbia, Boone County, Missouri 65203, as a member of the Missouri State Board of Architects, Professional Engineers and Land Surveyors, for a term ending October 3, 2001, and until his successor is duly appointed and qualified; vice, vacancy.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 898**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 917**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 819**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 766**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 897**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which were referred **SB 610** and **SB 835**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator House, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 695**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 695, Page 3, Section 1, Line 61, by inserting after "North 89" the following: "**degrees**".

Also,

Mr. President: Your Committee on Education, to which was referred **SB 733**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 841**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 844**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 844, Page 6, Section 351.375, Line 68, by striking the word "deliver" and inserting in lieu thereof the following: "**filing**"; and

Further amend said bill, page 11, section 359.041, line 79, by striking "delivery" and inserting in lieu thereof the following: "**filing**".

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 631**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 631, Page 1, Section 109.265, Line 5, by inserting after the word "commission." the following: "**The director shall retain a representative copy of any material subject to sale or transfer if no other copies of the material are within the permanent control of the director.**".

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Becky Perkins and Christine Blackwell and a group of Girl Scouts, Springfield; and Jessie Perkins, Cassie Dycus, Tiffany Mix, Sarah Johnson and Alea Bellingroehr were made honorary pages.

Senator Childers introduced to the Senate, Paula Jones, Mike Collins, Tonya Lewis and 11 students from the Stream Team from Reeds Spring High School.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SECOND DAY--TUESDAY, MARCH 3, 1998

The Senate met pursuant to adjournment.

Senator Staples in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we are thankful for a nation that produced Billy Graham, Jimmy Carter and Martin Luther King, Jr. We are thankful that in our nation a person's morality and character still amount to something. We are thankful that in our nation we still preach against sin but forgive and love the sinner. Make us more eager to forgive and less likely to condemn. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

THIRD READING OF SENATE BILLS

SB 561, with **SCS**, introduced by Senator Caskey, entitled:

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to billing procedures of providers of utility services.

Was called from the Consent Calendar and taken up.

SCS for **SB 561**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 561

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to billing procedures of providers of utility services, with an effective date.

Was taken up.

Senator Caskey moved that **SCS** for **SB 561** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 561** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	DePasco
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bentley	Clay	Curls	Ehlmann
McKenna	Schneider--6		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 661, introduced by Senator Caskey, entitled:

An Act to repeal sections 319.129, 319.131 and 319.133, RSMo Supp. 1997, relating to the petroleum storage tank insurance fund, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 661** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Clay	Schneider--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SS** for **SCS** for **SBs 675, 483, 490** and **564**, begs leave to report that it has considered the same and recommends that the bill do pass.

THIRD READING OF SENATE BILLS

SB 629, introduced by Senator Goode, entitled:

An Act to amend chapter 67, RSMo, by adding thereto twenty-three new sections relating to property taxation, with penalty provisions.

Was taken up.

Senator Mathewson assumed the Chair.

On motion of Senator Goode, **SB 629** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Jacob	Johnson
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Schneider	Scott
Sims	Singleton	Wiggins	Yeckel--24
NAYS--Senators			
Graves	Howard	Kenney	Kinder
Klarich	Lybyer	Russell	Staples
Westfall--9			
Absent--Senator Curls--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

SB 883, introduced by Senator Staples, et al, entitled:

An Act to repeal section 226.040, RSMo Supp. 1997, relating to transportation, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Staples, **SB 883** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Russell	Schneider
Scott	Sims	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators			
Flotron	Klarich	Rohrbach	Singleton--4
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SCS for **SB 659**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 659An Act to repeal sections 57.201, 57.220, 57.221 and 57.251, RSMo 1994, and section 57.250, RSMo Supp. 1997, relating to sheriffs, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up by Senator Caskey.

At the request of Senator Caskey, **SCS** for **SB 659** was placed on the Informal Calendar.

SCS for **SB 753**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 753An Act to repeal section 168.071, RSMo 1994, relating to certification of teachers, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Caskey.

Senator Wiggins assumed the Chair.

On motion of Senator Caskey, **SCS** for **SB 753** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers

Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Quick

Staples--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SS for **SB 657**, introduced by Senator Caskey, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 657An Act to repeal section 287.815, RSMo 1994, and section 287.812, RSMo Supp. 1997, relating to certain retirement systems, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Caskey, **SS** for **SB 657** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	House	Howard	Jacob
Johnson	Kenney	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Westfall	Wiggins--28

	NAYS--Senators		
Goode	Graves	Kinder	Mueller
Yeckel--5			

Absent--Senator Staples--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SS for SCS for SBs 675, 483, 490 and 564, introduced by Senator Johnson, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 675, 483, 490 and 564

An Act to repeal section 135.030, RSMo 1994, and section 135.010, RSMo Supp. 1997, relating to circuit breaker tax relief, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Johnson, SS for SCS for SBs 675, 483, 490 and 564 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
House	Staples--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SCS for SB 625, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 625An Act to repeal sections 190.100, 190.105, 190.110, 190.115, 190.120, 190.125, 190.130, 190.140, 190.141, 190.150, 190.155, 190.160, 190.165, 190.171, 190.175, 190.180 and 190.190, RSMo 1994, and sections 190.145 and 190.185, RSMo Supp. 1997, relating to emergency services, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Caskey.

On motion of Senator Caskey, SCS for SB 625 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann

Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Singleton--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

SB 650, introduced by Senator McKenna, et al, entitled:

An Act to create chapter 324, RSMo, by enacting ten new sections relating to the regulation of the practice of medical nutrition therapy, with penalty provisions.

Was taken up.

On motion of Senator McKenna, **SB 650** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senator Kinder--1		
	Absent--Senator Singleton--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Banks moved that **SCS** for **SB 475** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

President Pro Tem McKenna assumed the Chair.

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

Senator Banks moved that **SCS** for **SB 475** be read the 3rd time and finally passed, which motion failed to receive a constitutional majority by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
Curls	DePasco	Goode	Howard
Jacob	Lybyer	Mathewson	McKenna
Quick	Scott	Wiggins--15	
NAYS--Senators			
Bentley	Ehlmann	Flotron	Graves
House	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Sims
Singleton	Westfall	Yeckel--15	
Absent--Senators			
Johnson	Maxwell	Schneider	Staples--4
Absent with leave--Senators--None			

Senator Scott assumed the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Lybyer, Chairman of the Committee on Appropriations, Senator Quick submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1014**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 1144--Labor and Industrial Relations.

HB 1148--Commerce and Environment.

HB 1160--Insurance and Housing.

HB 1473--Corrections and General Laws.

HB 1609--Corrections and General Laws.

REPORTS OF STANDING COMMITTEES

Senator Jacob, Chairman of the Committee on Interstate Cooperation, submitted the following report:

Mr. President: Your Committee on Interstate Cooperation, to which was referred **SB 894**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1147, 1435, 1050, 1186 and 1108**, entitled:

An Act to repeal sections 195.211, 195.222, 195.223, 195.233, 195.420, 217.362, 311.720, 542.276, 544.376 and 568.045, RSMo 1994, and sections 195.010, 195.017, 195.040, 195.060, 195.100, 195.197, 195.214, 195.400, 195.410, and 570.030, RSMo Supp. 1997, and to enact in lieu thereof thirty-two new sections for the purpose of addressing the controlled substances problem, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

RESOLUTIONS

Senator Flotron offered Senate Resolution No. 1286, regarding Brian C. Fitzgerald, Ballwin, which was adopted.

Senator Bentley offered Senate Resolution No. 1287, regarding the Camp Fire Boys and Girls Absolutely Incredible Kid Day, which was adopted.

Senator Staples offered Senate Resolution No. 1288, regarding the Ninetieth Birthday of Effie Caroline Bell Mason, Bismarck, which was adopted.

Senator Mathewson offered Senate Resolution No. 1289, regarding the Panthers of Oak Grove High School, which was adopted.

THIRD READING OF SENATE BILLS

SB 761, introduced by Senator DePasco, entitled:

An Act to repeal section 169.322, RSMo 1994, and sections 169.324, 169.326 and 169.328, RSMo Supp. 1997, relating to certain school retirement systems, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator DePasco, **SB 761** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			

Ehlmann--3

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SJR 21** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

At the request of Senator Mathewson, **SJR 21** was placed on the Informal Calendar.

Senator Bentley moved that **SB 724**, as amended, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Jacob assumed the Chair.

Senator Bentley offered **SS** for **SB 724**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 724

An Act to repeal section 143.183, RSMo 1994, relating to state income tax revenues from certain nonresidents, and to enact in lieu thereof one new section for the sole purpose of providing for state income tax revenues from nonresident entertainers and athletes.

Senator Bentley moved that **SS** for **SB 724** be adopted, which motion prevailed.

On motion of Senator Bentley, **SS** for **SB 724** was declared perfected and ordered printed.

Senator Howard moved that **SB 499**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 499** was again taken up.

At the request of Senator Howard, **SS** for **SCS** for **SB 499** was withdrawn.

Senator Johnson assumed the Chair.

Senator Howard offered **SS No. 2** for **SCS** for **SB 499**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 499

An Act to amend chapter 538, RSMo, by adding thereto six new sections relating to the practice of psychology.

Senator Howard moved that **SS No. 2** for **SCS** for **SB 499** be adopted.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 499, Page 5, Section 538.400, Lines 15-17 of said page, by striking all of said lines; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill, page and section, line 18 of said page, by striking the following: "seeks or obtains" and

inserting in lieu thereof the following: **"is receiving"**; and further amend lines 19 to 23 of said page, by striking all of said lines and inserting in lieu thereof the following:

"(3) "Psychotherapist", a physician or psychologist who performs psychotherapy;"; and

Further amend said bill and section, page 6, lines 3 and 4 of said page, by striking all of said lines and inserting in lieu thereof the following:

"(5) "Sexual contact", any of the following occurring without the consent of a patient:"; and further amend line 7 of said page, by striking the following: "or former patient's"; and further amend lines 11-12 of said page, by striking the following: "or former patient's"; and further amend lines 12-13 of said page, by striking the following: "or former patient"; and further amend line 19 of said page, by striking the following: "or former patient"; and

Further amend said bill, section 538.405, page 7, line 6 of said page, by striking the following: "or a former patient"; and further amend lines 13-14 of said page, by striking the following: "or within two years thereafter"; and further amend lines 22 and 23 of said page, by striking all of said lines; and

Further amend said bill and section, page 8, lines 1 to 8 of said page, by striking all of said lines; and

Further amend said bill, section 538.407, page 8, lines 14 and 15 of said page, by striking the following: "or former patient of the psychotherapist"; and inserting in lieu thereof the following: **"; or"**; and further amend lines 16 to 21 of said page, by striking all of said lines; and further amend line 22 of said page, by striking "(3)" and inserting in lieu thereof the following: **"(2)"**; and further amend line 23 of said page, by striking the following: "or former patients"; and

Further amend said bill, page 9, section 538.407, line 2 of said page, by striking the following: "or former employer"; and further amend line 4 of said page, by striking the following: "or former employer"; and further amend line 7 of said page, by striking the following: "or former patients"; and further amend lines 8 to 11 of said page, by striking all of said lines; and further amend line 12 of said page, by striking "(3)" and inserting in lieu thereof the following: **"(2)"**; and further amend line 14 of said page, by striking the following: "or former employer"; and further amend lines 21-22 of said page, by striking the following: "or former employer"; and

Further amend said bill, page 10, section 538.410, line 2 of said page, by striking the following: "not"; and further amend lines 3 to 9 of said page, by striking all of said lines and inserting in lieu thereof a period "."; and further amend line 12 of said page, by striking the following: "The court's order shall"; and further amend line 13 of said page, by striking all of said line; and

Further amend said bill, section 538.412, page 10, line 15, by striking the following: "except when:" and inserting in lieu thereof a period "."; and further amend lines 16 to 20 of said page, by striking all of said lines; and

Further amend said bill and section, page 11, lines 3 and 4 of said page, by striking all of said lines; and

Further amend said bill, section 538.417, page 11, lines 5 and 6 of said page, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Howard raised the point of order that **SA 1** is out of order in that it is incorrectly drafted.

The point of order was referred to the President Pro Tem, who ruled it well taken.

President Pro Tem McKenna assumed the Chair.

Senator Wiggins assumed the Chair.

Senator Schneider offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 499, Page 1, Section 538.400(2), Line 9, by striking line 9 and substitute: "(2) "Patient," a person who obtains psychotherapy from a licensed psychotherapist or licensed clinical psychologist in which a doctor-patient relationship has been established."

Senator Schneider moved that the above amendment be adopted.

Senator Jacob offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 499, Page 1, Section 538.400, Line 9, by amending said amendment by inserting after the word "psychologist" and inserting the words "**licensed professional counselor or licensed social worker**"; and

Further amend said amendment by deleting the words "doctor-patient" and inserting in lieu thereof the word "**psychotherapeutic**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

President Pro Tem McKenna assumed the Chair.

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 499, Page 6, Section 538.410, Lines 2 to 14, by striking all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Howard, **SB 499**, with **SCS**, **SS No. 2** for **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 861**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO.1

Amend Senate Bill No. 861, Page 2, Section 238.236, Line 43, by striking the word "authorize" and inserting in lieu thereof the following: "**authorized**"; and

Further amend said bill and section, page 3, line 59, by striking the following: "property of" and inserting in lieu thereof the following: "**property or**".

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 849**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 888**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 908**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 746**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which were referred **SB 731, SB 714, SB 715, SB 513, SB 691, SB 857, SB 887, SB 516, SB 667, SB 491, SB 654, SB 590** and **SB 873**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS No. 2** for **SCS** for **SB 632**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 1290, regarding the death of Glen Bell, which was adopted.

Senator Maxwell offered Senate Resolution No. 1291, regarding Heath Rubison, Stoutsville, which was adopted.

Senator Schneider offered Senate Resolution No. 1292, regarding Colonel Robert G. Lowery, Sr., Florissant, which was adopted.

Senator Mathewson offered Senate Resolution No. 1293, regarding Rosella Schnakenberg, Cole Camp, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kenney introduced to the Senate, Preston V. Smith, and his sons, Jonathan, Jason and Justin, homeschoolers from Blue Springs; and Jonathan, Jason and Justin were made honorary pages.

On behalf on Senator Staples, the President introduced to the Senate, Senator Staples' aunt, Elsie Staples-Hughes, her granddaughters, Jill Baxter and Holly Mackley, and her great-grandchildren, Andy and Livia Mackley and Betsy Baxter, Columbia; and Andy, Livia and Betsy were made honorary pages.

On behalf of Senator Staples, the President introduced to the Senate, Nina Antolovic, Croatia; and Chris Klee, Germany.

Senator Schneider introduced to the Senate, fourth grade students from Hallsferry Elementary School, Florissant; and Tim Bensing, Megan Daniel, Sheena Robinson and Morris Taylor were made honorary pages.

Senator Klarich introduced to the Senate, students from Potosi High School, Potosi.

Senator Howard introduced to the Senate, the Physician of the Day, Dr. Kirby Turner, M.D. and John Dare, Poplar Bluff.

Senator Childers introduced to the Senate, Vic Williams, Brenda Jackson, Linda Weatherford, Lynn White and fifty-two eighth grade students from Fairview Elementary School, West Plains.

Senator Singleton introduced to the Senate, Joe Hill, Seneca.

Senator Maxwell introduced to the Senate, a delegation from the Missouri Nurses Association.

Senator House introduced to the Senate, Bill Snodgrass and Webelos Scout Pack 975, St. Charles County.

Senator Russell introduced to the Senate, thirty-five third grade students from Marshfield Elementary School, Marshfield.

Senator Singleton introduced to the Senate, Dr. Barbara Box, Dr. Marilyn Jacobs, and forty nursing students from Missouri Southern State College, Joplin.

Senator Kenney introduced to the Senate, a delegation from the Tri-City Home Educators.

Senator Singleton introduced to the Senate, Dr. Larry E. VonHolten, Carthage; William L. Walmsley, D.C., James R. Cummings, D.C. and James R. Lewis, D.C., Joplin; and Larry L. Lalley, D.C., Neosho.

Senator Childers introduced to the Senate, Don England and eight students from Mount Zion Bible School, Ava.

Senator Mathewson introduced to the Senate, Marina Scheiner and members of the State Fair Community College Student Government

Association, Sedalia.

Senator Howard introduced to the Senate, Teresa Dorris, Nick Atherton, Brian Baird, Melanie Gregg, Jami Geske, Christin Dalaviras and Pauletta Burns, Poplar Bluff.

On behalf of Senator House and himself, Senator Ehlmann introduced to the Senate, Chris Cary, Luana White, Paul Lancia, Kevin Fodo and Tom Schrautemeier, St. Charles County Community College.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-THIRD DAY--WEDNESDAY, MARCH 4, 1998

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we are thankful that in our nation more people are concerned about diet than where their next meal is coming from, about remodeling their house than where they will spend the night, the latest fashion rather than having clothes to wear. We are thankful for our abundance, but we know it is not shared by everyone. Teach us how to help the less fortunate, to minister to the needy and to lift up those who are down. Use us. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Quick offered Senate Resolution No. 1294, regarding Rex Aaron Dixon, II, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1295, regarding Jarod S. Burch, Pleasant Valley, which was adopted.

THIRD READING OF SENATE BILLS

SB 517, introduced by Senator Graves, entitled:

An Act to amend chapter 357, RSMo, by adding one new section relating to housing cooperatives.

Was called from the Consent Calendar and taken up.

On motion of Senator Graves, **SB 517** was read the 3rd time and passed by the following vote:

YEAS--Senators

Caskey	Childers	Clay	DePasco
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Banks--1

Absent--Senators

Bentley	Curls	Ehlmann	Schneider--4
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Graves, title to the bill was agreed to.

Senator Graves moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

Senator Wiggins assumed the Chair.

SB 722, with **SCS**, introduced by Senators Sims and Bentley, entitled:

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to consideration of domestic violence in insurance policies, with an effective date.

Was called from the Consent Calendar and taken up by Senator Sims.

SCS for **SB 722**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 722

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to consideration of domestic violence in insurance policies, with an effective date.

Was taken up.

Senator Sims moved that **SCS** for **SB 722** be adopted, which motion prevailed.

On motion of Senator Sims, **SCS** for **SB 722** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron

Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Curls	Schneider--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

SB 719, introduced by Senator Yeckel, entitled:

An Act to repeal section 443.415, RSMo 1994, relating to mortgage insurance, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Yeckel, **SB 719** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators		
Banks	Clay	Quick--3	
	Absent--Senator Curls--1		
	Absent with leave--Senators--None		

President Pro Tem McKenna assumed the Chair.

The President Pro Tem declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem McKenna referred **SS No. 2** for **SCS** for **SB 632** to the Committee on State Budget Control.

Senator Quick announced that photographers from the Senate had been given permission to film in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

At the request of Senator Mathewson, **SB 751**, with **SCA 1**, was placed on the Informal Calendar.

Senator Goode moved that **SB 487** be taken up for perfection, which motion prevailed.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 487, Page 11, Section 304.157, Lines 26-28, by striking said lines and inserting in lieu thereof the following:

"property may authorize a towing company to remove abandoned property **or property parked in a restricted or assigned area** without authorization by a law enforcement officer only when the owner, lessee or [agent] **property or security manager** of the real property is present. **A property or security manager must be a full-time employee of a business entity. An authorization to tow under this subsection may be made** [and] only under any of the following circumstances:"; and

Further amend said bill, page and section, line 32, by inserting after the word "property" the following: "**or property parked in a restricted or assigned area**"; and further on line 35 by inserting after the word "obtained" and before the semicolon ";" the following: "**or a twenty-four-hour staffed emergency information telephone number by which the owner of the abandoned property or improperly parked property may call to receive information regarding the location of such owner's property**"; and

Further amend said bill, page and section, line 56, by striking "or lessee" and inserting in lieu thereof the words "**lessee or property or security manager**"; and further on page 12, line 63, by striking "or lessee" and inserting in lieu thereof the words "**lessee or property or security manager**"; and

Further amend said bill, page 15, section 304.158, line 65, by striking "A" and inserting in lieu thereof the following: "**Except for the removal of abandoned property authorized by a law enforcement agency under section 304.157, a**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Goode offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 487, Page 10, Section 304.156, Line 166, by striking the word "the" as it appears the second time; and further amend lines 167 to 170, by striking all of said lines and inserting in lieu thereof the following: "**such proceeds in excess of the costs and one hundred dollars shall be deposited with the state treasurer as unclaimed property pursuant to chapter 447, RSMo. The towing company shall include the last known address and any other identifying information about the owner and any lienholder who had an interest in the abandoned property at the time the towing company applied for title. The treasurer shall publish notice under section 447.541, RSMo, as required for other unclaimed property.**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Johnson announced that photographers from the Riverfront Times had been given permission to take pictures in the Senate Chamber today.

Senator Clay offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 487, Page 16, Section 304.158, Line 90, by inserting after all of said line the following:

"Section 1. 1. No person shall interfere with any investigation of an activity which the governing body of any city not within a county has declared by ordinance to be detrimental to the health, safety or welfare of the residents and therefore a public nuisance. As used in this section, "interfere" shall mean refusing entry or access onto private property by the code official or a designated representative of the code official who presents appropriate credentials and a proper search warrant, or obstructing or hampering such code official or representative.

2. Upon application by a city not within a county, upon a showing of probable cause and upon oath, a suitably restricted search warrant shall be issued by any municipal judge having jurisdiction to the chief of police, any police officer or sheriff in such city for the purpose of enabling the code official or designated representative to investigate and respond to such public nuisance activity."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator House offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 487, Page 8, Section 304.156, Line 100, by inserting after the word "for" the following: **"an original certificate of ownership if the vehicle is less than six years old, passes the Missouri safety and emissions inspections, if applicable, and obtains a vehicle examination certificate from the highway patrol as provided in Section 301.190, RSMo, or if the vehicle is six years old or older,"; and**

Further amend said bill, page and section, line 116, by striking the period from said line and inserting in lieu thereof the following: ";

(5) A copy of the envelope or mailing container showing the address and postal markings indicating that the notice was "not forwardable" or "address unknown"; and

(6) A copy of a Missouri safety inspection certificate and emission inspection certificate, if applicable, and a copy of the vehicle examination certificate, if applicable."

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Bill No. 487, Page 10, Section 304.156, Line 170, by adding immediately after said line the following:

"15. If abandoned property is insured, the insurer of property regards the property as a total loss and the insurer satisfies a claim by the owner for the property, then the insurer or certificate holder shall claim and remove the property from the storage facility or make arrangements to transfer the title, and such transfer of title subject to agreement shall be in complete satisfaction of all claims for towing and storage, to the towing company or storage facility. The insurer, certificate holder or the insured, if the insured's insurance policy does not cover towing and

storage charges, shall pay all reasonable fees owed the towing company and storage facility. The property shall be claimed and removed or title transferred to the towing company or storage facility within thirty days of the date of the insurer paying a claim for the total loss of the property. An adjuster or other representative of the insurer investigating the condition of the property shall supply the towing company and storage facility with the name, address and phone number of the insurance company and of the insured and with a statement regarding which party is responsible for the payment of towing and storage charges under the insurance policy.".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Bill No. 487, Page 11, Section 304.157, Line 44, by striking "ten" and inserting "five".

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Goode, **SB 487**, as amended, was declared perfected and ordered printed.

At the request of Senator Howard, **SB 773** was placed on the Informal Calendar.

President Pro Tem McKenna assumed the Chair.

Senator Johnson moved that **SB 596**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 596**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 596

An Act to amend chapter 578, RSMo, by adding thereto two new sections relating to animal neglect, with penalty provisions.

Was taken up.

Senator Johnson moved that **SCS** for **SB 596** be adopted.

Senator Johnson offered **SS** for **SCS** for **SB 596**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 596

An Act to amend chapter 578, RSMo, by adding thereto two new sections relating to the treatment of animals, with penalty provisions.

Senator Johnson moved that **SS** for **SCS** for **SB 596** be adopted.

Senator Johnson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 596, Page 2, Section 578.008, Line 23 of

said page, by inserting after all of said line the following:

"578.009. 1. A person is guilty of animal neglect when he has custody or ownership or both of an animal and fails to provide adequate care or adequate control, including, but not limited to, knowingly abandoning an animal in any place without making provisions for its adequate care [which results in substantial harm to the animal].

2. Animal neglect is a class C misdemeanor upon first conviction and for each offense, punishable by imprisonment or a fine not to exceed five hundred dollars, or both, and a class B misdemeanor punishable by imprisonment or a fine not to exceed one thousand dollars, or both upon the second and all subsequent convictions. All fines and penalties for a first conviction of animal neglect may be waived by the court provided that the person found guilty of animal neglect shows that adequate, permanent remedies for the neglect have been made. Reasonable costs incurred for the care and maintenance of neglected animals may not be waived."; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted.

Senator Graves offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 596, Page 1, Section 578.009, Line 3, by deleting the word "an" on said line and inserting in lieu thereof the words "a companion".

Senator Graves moved that the above amendment be adopted.

At the request of Senator Johnson, **SB 596**, with **SCS, SS** for **SCS, SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1296

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Penelope C. "Nappy" Hennessy, born in County Galway, Ireland, and a resident of Kansas City since 1928; and

WHEREAS, Mrs. Hennessy, married Joseph Hennessy in 1938, who preceded her in death in 1968. She was also preceded in death by a granddaughter, Janet Bax, in 1993; and

WHEREAS, Mrs. Hennessy, was a wife and homemaker, and had worked for a while at the Mission Hills Country Club; and

WHEREAS, Mrs. Hennessy was very active as a member of Guardian Angels Catholic Church and the Altar Society; and

WHEREAS, Mrs. Hennessy was an active member of the Ancient Order of Hibernians; and

WHEREAS, Mrs. Hennessy is survived by two daughters, Mary Pat Himmelberg and her husband, Charlie, of Lawrence, Kansas, and Elinor Bax and her husband, Tom, of Kansas City, six grandchildren and five great-grandchildren; and

WHEREAS, Mrs. Hennessy was most of all a devoted wife and mother in whose heart and love her family came first;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the memory of Penelope C. "Nappy" Hennessy, express appreciation for her lifetime of good citizenship and extend to her family and many friends most sincere sympathy on her death; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Mrs. Mary Pat Himmelberg, Mrs. Elinor Bax and the Ancient Order of Hibernians.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1297

WHEREAS, the members of the Missouri Senate have been deeply pleased to learn that the Lyric Opera, premier artistic and musical theatrical group of Kansas City, is preparing to celebrate an historic and important anniversary; and

WHEREAS, the Kansas City Lyric Opera and its founder, distinguished and nationally renowned Artistic Director, Russell Patterson, are celebrating forty years of contributions to the great State of Missouri and the entire greater Kansas City metropolitan area; and

WHEREAS, as a significant and a fitting part of this celebration, the Lyric Opera has selected an opportunity also to honor and recognize the rich Native American Culture which has made monumental contributions to the great State of Missouri and to the United States of America; and

WHEREAS, this historic celebration is also organized to recognize the visionary talents of Henry Mollicone and Sheldon Harnick who together have crafted a Native American Opera, Coyote Tales, an epic and exciting work, which the Lyric Opera has selected to present as a World Premier, for the people of Greater Kansas City, in connection with the Fortieth Anniversary Celebration. Their presentation promises to be an exciting production and a delightful experience; and

WHEREAS, the significant operatic and anniversary celebration also offers a most appropriate opportunity to salute and express appreciation to the major sponsors of a world premier event, the AT&T Foundation, the Nations Bank, the Muriel McBrien Kauffman Foundation, the Hall Family Foundation, and the William T. Kemper Foundation, sponsoring groups and organizations whose interest and support have made this historic event possible and about to occur;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the Lyric Opera of Kansas City and the Honorable Russell Patterson, on the occasion of their Fortieth Anniversary, congratulate Henry Mollicone and Sheldon Harnick and their associates on the occasion of their world premier of Coyote Tales, and express to the sponsoring groups, the Lyric Opera, and all concerned most sincere congratulations on this significant and historic occasion; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Lyric Opera of Kansas City, Russell Patterson, Henry Mollicone, Sheldon Harnick, the AT&T Foundation, Nations Bank, The Muriel McBrien Kauffman Foundation, The Hall Family Foundation, The William T. Kemper Foundation and Mrs. Laura Estep Wilch.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SB 724**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1469**, entitled:

An Act to repeal sections 168.021 and 168.071, RSMo 1994, relating to certificate of license to teach, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1273, 943** and **1217**, entitled:

An Act to repeal sections 115.199, 115.369, 115.377, 115.381, 115.437, 115.646 and 115.647, RSMo 1994, and sections 105.492, 115.123, 115.125, 115.151, 115.155, 115.275, 115.277, 115.283, 115.387 and 115.395, RSMo Supp. 1997, relating to elections, and to enact in lieu thereof seventeen new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1525, 1269** and **1430**, entitled:

An Act to amend chapter 252, RSMo, relating to the department of conservation, by adding thereto three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1091**, entitled:

An Act to repeal sections 84.480 and 84.510, RSMo 1994, relating to certain police officers, and to enact in lieu thereof two new sections for the sole purpose of providing increased compensation for Kansas City police officers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1363** and **906**, entitled:

An Act to repeal sections 174.620 and 175.021, RSMo 1994, and sections 172.035, 174.055 and 174.610, RSMo Supp. 1997, relating to certain institutions of higher education, and to enact in lieu thereof twelve new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 39**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39 of article III of the Constitution of Missouri, relating to gaming and adopting two new sections in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

THIRD READING OF SENATE BILLS

SB 793, introduced by Senator Childers, entitled:

An Act to repeal section 660.078, RSMo 1994, relating to the elderly home delivered meals trust fund, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Childers, **SB 793** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Childers	Curls	DePasco
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Klarich	Lybyer	Mathewson	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Westfall	Wiggins	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Banks	Bentley	Clay	Ehlmann
Maxwell	Singleton--6		
Absent with leave--Senator Kinder--1			

The President Pro Tem declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

SB 870, introduced by Senator Howard, entitled:

An Act to repeal section 630.170, RSMo Supp. 1997, relating to employment under the department of mental health, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Howard, **SB 870** was read the 3rd time and passed by the following vote:

YEAS--Senators

Caskey	Childers	Curls	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Klarich	Lybyer	Mathewson
McKenna	Mueller	Quick	Russell
Scott	Sims	Staples	Westfall
Wiggins	Yeckel--26		

NAYS--Senators--None

Absent--Senators

Banks	Bentley	Clay	Maxwell
Rohrbach	Schneider	Singleton--7	
	Absent with leave--Senator Kinder--1		

The President Pro Tem declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Johnson moved that **SB 596**, with **SCS, SS** for **SCS, SA 1** and **SA 1** to **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to **SA 1** was again taken up.

Senator Graves moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Johnson moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator House offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 596, Page 1, Section A, Line 3, by inserting immediately after all of said line the following:

"575.010. The following definitions shall apply to chapters 575 and 576, RSMo:

- (1) "Affidavit" means any written statement which is authorized or required by law to be made under oath, and which is sworn to before a person authorized to administer oaths;
- (2) "Government" means any branch or agency of the government of this state or of any political subdivision thereof;
- (3) "Judicial proceeding" means any official proceeding in court, or any proceeding authorized by or held under the supervision of a court;
- (4) "Juror" means a grand or petit juror, including a person who has been drawn or summoned to attend as a prospective juror;

(5) "Jury" means a grand or petit jury, including any panel which has been drawn or summoned to attend as prospective jurors;

(6) "Official proceeding" means any cause, matter, or proceeding where the laws of this state require that evidence considered therein be under oath or affirmation;

(7) "Police animal" means a dog, horse or other animal used in law enforcement or a correctional facility, or by a municipal police department, fire department, search and rescue unit or agency, whether the animal is on duty or not on duty. The term shall include, but not be limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search and rescue dogs and tracking animals;

[(7)] **(8)** "Public record" means any document which a public servant is required by law to keep;

[(8)] **(9)** "Testimony" means any oral statement under oath or affirmation;

[(9)] **(10)** "Victim" means any natural person against whom any crime is deemed to have been perpetrated or attempted;

[(10)] **(11)** "Witness" means any natural person:

(a) Having knowledge of the existence or nonexistence of facts relating to any crime; or

(b) Whose declaration under oath is received as evidence for any purpose; or

(c) Who has reported any crime to any peace officer or prosecutor; or

(d) Who has been served with a subpoena issued under the authority of any court of this state.

575.335. 1. A person commits the crime of killing a police animal when such person knowingly causes the death of a police animal when that animal is involved in a law enforcement investigation, apprehension, tracking, or search and rescue, or the animal is in the custody of or under the control of a law enforcement officer, department of corrections officer, municipal police department, fire department and a rescue unit or agency.

2. Killing a police animal is a class D felony.

575.337. 1. A person commits the crime of assault on a police animal when such person knowingly attempts to kill or knowingly causes or attempts to cause serious physical injury to a police animal when that animal is involved in law enforcement investigation, apprehension, tracking, or search, or the animal is in the custody of or under the control of a law enforcement officer, department of corrections officer, municipal police department, fire department or a rescue unit or agency.

2. Assault on a police animal is a class D felony."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Schneider offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 596, Page 3, Section 575.335, Line 2, by inserting after the word: "when" the words "without good cause".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 2** to **SA 2**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 596, Page 3, Section 575.337, Line 10, by inserting after the word: "when" the words "without good cause".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator House moved that the above amendment be adopted, which motion failed.

Senator Graves offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 596, Page 1, Section 578.008, Line 8 of said page, by striking "class A" and inserting in lieu thereof "**class B**"; and further amend line 9 of said page, by striking "D felony" and inserting in lieu thereof "**A misdemeanor**"; and further amend lines 12-13 of said page, by striking all of said lines and inserting in lieu thereof the following: "**is a class A misdemeanor on the first and for all subsequent convictions.**"; and

Further amend said bill and section, page 2, line 5 of said page, by striking the word "five" and inserting in lieu thereof the following: "**one**"; and further amend line 6 of said page, by striking the word "ten" and inserting in lieu thereof the following: "**two**"; and further amend line 9 of said page, by striking "C felony" and inserting in lieu thereof "**A misdemeanor**"; and

Further amend said bill, page 3, section 578.013, line 9 of said page, by striking "D felony" and inserting in lieu thereof "**B misdemeanor**"; and further amend line 14 of said page, by striking the word "five" and inserting in lieu thereof the following: "**one**"; and further amend line 15 of said page, by striking the word "ten" and inserting in lieu thereof the following: "**two**"; and further amend line 18 of said page, by striking "C felony" and inserting in lieu thereof "**A misdemeanor**".

Senator Graves moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Childers offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 596, Page 4, Section 578.013, Line 1, by deleting the words "environmental damage to" and insert in lieu thereof the words "**resulting organic debris affecting**" on said line; and

Further amend section 578.008, Page 2, Line 17, by deleting the words: "environmental damage to" and inserting in lieu thereof the words: "**resulting organic debris affecting**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Graves offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 596, Page 1, Section 578.008, Line 1 of said section, by inserting immediately before said line the following:

"578.005. As used in sections 578.005 to 578.023, the following terms shall mean:

(1) "Adequate care", normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal;

(2) "Adequate control", to reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal, or property;

(3) "Animal", every living vertebrate except a human being;

(4) **"Animal husbandry", normal or common practices including, but not limited to, vaccinations, de-horning, castration, herding, implanting, artificial insemination, and branding;**

(5) "Animal shelter", a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not for profit organization devoted to the welfare, protection, and humane treatment of animals;

[(5)] (6) "Farm animal", an animal raised on a farm or ranch and used or intended for use in farm or ranch production, or as food or fiber;

[(6)] (7) "Harbor", to feed or shelter an animal at the same location for three or more consecutive days;

[(7)] (8) "Humane killing", the destruction of an animal accomplished by a method approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173: 59-72, 1978); or more recent editions, but animals killed during the feeding of pet carnivores shall be considered humanely killed;

[(8)] (9) "Owner", in addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal;

[(9)] (10) "Person", any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity;

[(10)] (11) "Pests", birds, rabbits, or rodents which damage property or have an adverse effect on the public health, but shall not include any endangered species listed by the United States Department of the Interior nor any endangered species listed in the Wildlife Code of Missouri."; and

Further amend the title and enacting clause accordingly.

Senator Graves moved that the above amendment be adopted, which motion prevailed.

Senator Johnson moved that **SS** for **SCS** for **SB 596**, as amended, be adopted, which motion prevailed.

On motion of Senator Johnson, **SS** for **SCS** for **SB 596**, as amended, was declared perfected and ordered printed.

Senator Howard moved that **SB 773** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Bentley offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 773, Page 2, Section 197.317, Line 23, by inserting immediately after said line the following:

"197.324. 1. The provisions of section 197.317 shall not apply to a residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility only where the department of social services has first determined that there presently exists a need for additional beds of that classification in such facility because the average aggregate occupancy over the last four consecutive calendar quarters of all licensed beds in the subject facility of the category proposed to be added equals or exceeds ninety percent, and the facility otherwise appears to qualify for a certificate of need. Any facility that presents a need for additional beds pursuant to this section shall be allowed to expand its licensed bed capacity in the qualifying category by the greater of twenty-five percent of its then current licensed capacity in such category or thirty such beds, provided that no increase shall be greater than one hundred percent of its current licensed capacity in such category.

2. Notwithstanding the provisions of subsection 1 of this section, any facility qualified hereunder that receives a certificate of need for additional beds pursuant to this section shall not be allowed to apply for additional beds pursuant to the authority of this section for a period of twenty-four months from the date such certificate was issued, and, in any event, such facility shall be prohibited from transferring any beds of such licensed category for a period of five years.

3. Notwithstanding any other provision of this chapter to the contrary, any residential care facility I or residential care facility II, as defined in section 198.006, RSMo, may reallocate any portion of such facility's current licensed beds to any other facility within the same licensure category if both facilities are under the same licensure ownership and are located within five miles of each other."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted.

Senator Sims offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Bill No. 773, Page 1, Section A, Line 2, by inserting immediately after said line the following:

"197.315. 1. Any person who proposes to develop or offer a new institutional health service within the state [must] shall obtain a certificate of need from the committee prior to the time such services are offered.

2. Only those new institutional health services which are found by the committee to be needed shall be granted a certificate of need. Only those new institutional health services which are granted certificates of need shall be offered or developed within the state. No expenditures for new institutional health services in excess of the expenditure minimum shall be made by any person unless a certificate of need has been granted.

3. After October 1, 1980, no state agency charged by statute to license or certify health care facilities shall issue a license to or certify any such facility, or distinct part of such facility, that is developed without obtaining a certificate of need.

4. If any person proposes to develop any new institutional health care service without a certificate of need as required by sections 197.300 to 197.365, the committee shall notify the attorney general, and [he] the attorney general shall apply for an injunction or other appropriate legal action in any court of this state against that person.

5. After October 1, 1980, no agency of state government may appropriate or grant funds to or make payment of any funds to any person or health care facility which has not first obtained every certificate of need required [under] pursuant to sections 197.300 to 197.365.

6. A certificate of need shall be issued only for the premises and persons named in the application and is not transferable except by consent of the committee.

7. Project cost increases, due to changes in the project application as approved or due to project change orders, exceeding the initial estimate by more than ten percent shall not be incurred without consent of the committee.
8. Periodic reports to the committee shall be required of any applicant who has been granted a certificate of need until the project has been completed. The committee may order the forfeiture of the certificate of need upon failure of the applicant to file any such report.
9. A certificate of need shall be subject to forfeiture for failure to incur a capital expenditure on any approved project within six months after the date of the order. The applicant may request an extension from the committee of not more than six additional months based upon substantial expenditure made.
10. Each application for a certificate of need [must] **shall** be accompanied by an application fee. The time of filing commences with the receipt of the application and the application fee. The application fee is one thousand dollars, or one-tenth of one percent of the total cost of the proposed project, whichever is greater. All application fees shall be deposited in the state treasury. Because of the loss of federal funds, the general assembly will appropriate funds to the Missouri health facilities review committee.
11. **Except as provided in subsection 19 of this section,** in determining whether a certificate of need should be granted, no consideration shall be given to the facilities or equipment of any other health care facility located more than a fifteen-mile radius from the applying facility.
12. When a nursing facility shifts from a professional to a practical level of nursing care, it may return to the higher level of care if it meets the licensure requirements, without obtaining a certificate of need.
13. In no event shall a certificate of need be denied because the applicant refuses to provide abortion services or information.
14. A certificate of need shall not be required for the transfer of ownership of an existing and operational health facility in its entirety.
15. A certificate of need may be granted to a facility for an expansion, an addition of services, a new institutional service, or for a new hospital facility which provides for something less than that which was sought in the application.
16. The provisions of this section shall not apply to facilities operated by the state, and appropriation of funds to such facilities by the general assembly shall be deemed in compliance with this section, and such facilities shall be deemed to have received an appropriate certificate of need without payment of any fee or charge.
17. Notwithstanding other provisions of this section, a certificate of need may be issued after July 1, 1983, for an intermediate care facility operated exclusively for the mentally retarded.
18. To assure the safe, appropriate, and cost-effective transfer of new medical technology throughout the state, a certificate of need shall not be required for the purchase and operation of research equipment that is to be used in a clinical trial that has received written approval from a duly constituted institutional review board of an accredited school of medicine or osteopathy located in Missouri to establish its safety and efficacy and does not increase the bed complement of the institution in which the equipment is to be located. After the clinical trial has been completed, a certificate of need must be obtained for continued use in such facility.
19. **Notwithstanding the provisions of section 197.317 to the contrary, any facility, as defined in section 198.006, RSMo, which has an occupancy rate of less than ninety percent may transfer the ownership of any of its licensed beds to any other facility similarly licensed pursuant to chapter 198, RSMo. Such beds shall only be operated as they are currently licensed. Such transfers shall not require a certificate of need, review or approval, provided that:**
 - (1) The transferring facility shall surrender to the department of social services its license for the number of beds transferred and upon receipt of the surrendered license, the department of social services shall issue a license for

the same number of beds surrendered to the facility to which the beds were transferred; and

(2) Only a skilled nursing facility to which at least sixty beds are transferred may aggregate all transferred beds together with its currently licensed beds to obtain a replacement certificate of need for the entire facility pursuant to the provisions of sections 198.003 to 198.336, RSMo, and implementing regulations;

(3) Only a residential care facility I and II to which at least twenty beds are transferred may aggregate all transferred beds together with its currently licensed beds to obtain a replacement certificate of need for the entire facility pursuant to the provisions of sections 198.003 to 198.336, RSMo, and implementing regulations."; and

Further amend said bill, page 2, section 197.317, line 23, by inserting immediately after said line the following:

"197.324. 1. The provisions of section 197.317 shall not apply to a residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility only where the department of social services has first determined that there presently exists a need for additional beds of that classification in such facility because the average aggregate occupancy over the last four consecutive calendar quarters of all licensed beds in the subject facility of the category proposed to be added equals or exceeds ninety percent, and the facility otherwise appears to qualify for a certificate of need. Any facility that presents a need for additional beds pursuant to this section shall be allowed to expand its licensed bed capacity in the qualifying category up to twenty-five percent of its then current licensed capacity in such category.

2. Notwithstanding the provisions of subsection 1 of this section, any facility qualified hereunder that receives a certificate of need for additional beds pursuant to this section shall not be allowed to apply for additional beds pursuant to the authority of this section for a period of twenty-four months from the date such certificate was issued, and, in any event, such facility shall be prohibited from transferring any beds of such licensed category for a period of five years.

3. Notwithstanding any other provision of this chapter to the contrary, any residential care facility I or residential care facility II, as defined in section 198.066, RSMo, may reallocate any portion of such facility's current licensed beds to any other facility within the same licensure category if both facilities are under the same licensure ownership and are located within five miles of each other."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above substitute amendment be adopted.

Senator Johnson assumed the Chair.

Senator Howard requested a division of the question on **SSA 1** for **SA 1**, asking that a vote be taken first on the portion of the amendment dealing with Section 197.315 and that a second vote be taken on the portion of the amendment dealing with Section 197.324, which request was granted.

Senator Schneider requested a further division of the question, asking that Section 197.324 be divided and that a separate vote be taken on subsection 3 of Section 197.324, which request was granted.

At the request of Senator Howard, **SB 773**, with **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

On behalf of Senator Wiggins, the President introduced to the Senate, Jim Sowders, Tom Walters, Tim Aylward, Mark Switzer, Tom Esselman and members of St. Elizabeth's Cub Scout Pack 150, Kansas City; and Kevin Walters, Max Hire, Jimmy Van Dyke, Mike Aylward, Kent Quatman, Robert Sowders, Cary Silverman, Thomas Staab, Matt Switzer, Brian McGannon, Ben Redler and Andrew Esselman were made honorary pages.

Senator Banks introduced to the Senate, Mrs. Jannett Reese, Mrs. Lashell McGee, Mr. Darryl King, Mr. James Hunt, and forty-seven students from Beaumont High School, St. Louis; and Kimberly Harris and Laveda Cage were made honorary pages.

Senator Bentley introduced to the Senate, Barbie Lyons and Cindy Gregston, Springfield.

Senator Kenney introduced to the Senate, Kim Perkins, Overland Park, Kansas.

Senator Quick introduced to the Senate, Marcella Williams and Pat Dixon, Clay County.

Senator Bentley introduced to the Senate, Jeff Gossman, Paul Nahon, Noah Lott, Rhonda Braker, Vanessa Dalmonte, Brett McHenry, Greg Ries and Ernie Wingert, Springfield; Mary Jane Deters and Jean Burkhart, Olivette; Al Wall, Dixon; and Charley Guay, Bill Debord and Denise Harness, St. Louis.

Senator Staples introduced to the Senate, Irwin Rudasill, Jim Proctor and Karen Kleinberg, St. Francois County.

Senator Ehlmann introduced to the Senate, Mr. Mark Bretana, Ms. Lori Latimer, Adam Kreienheder, Cary Afshar, Lynette Eastvold, Jennifer Arndt, Jessica Maupin, Kim Holzmann, George Bell, Julie Lloyd and Allison Bellins, Wentzville.

Senator Rohrbach introduced to the Senate, Mr. Bethel, Ms. Preston and members of the Blair Oaks High School Student Government Class, Wardsville; and Jarod Eiken, Dafny Otto, Ben Reinkemeyer and Paige Vandavelde were made honorary pages.

Senator Sims introduced to the Senate, forty eighth grade students from McKinley Classical Junior Academy, St. Louis; and Tiffany Jones, Colin Eads, Sam MacHaffie and Ben White were made honorary pages.

Senator Klarich introduced to the Senate, David Freitag, New Haven; Paul and Henry Alt, Pacific; and Ludwig Westhoelter, Washington.

Senator Staples introduced to the Senate, Shirley Dixon, Charlotte Godsy and Kathy Kennon, Van Buren.

Senator Scott introduced to the Senate, his daughter-in-law, Lisa Scott, and Vickie Swederska, St. Louis County.

Senator Flotron introduced to the Senate, Wendy Colbourne, Rhode Island; and Linda Getz, Maryland Heights.

Senator Klarich introduced to the Senate, Terence Wray Purley, London.

Senator Bentley introduced to the Senate, Bob and Cindy Kinnaley, and their children, Christopher, Katie and Kimberly, homeschoolers from Springfield; and Christopher was made an honorary page.

On behalf of Senator McKenna, the President introduced to the Senate, Larry Benton, and members of the Herculaneum School Library Club, Herculaneum.

Senator Klarich introduced to the Senate, Paul J. Schroeder, Union.

Senator Rohrbach introduced to the Senate, Paul Robinson, Jefferson City.

Senator Caskey introduced to the Senate, Patty Bancroft, Mitchell Mills and David Walker, Clinton.

On behalf of Senator Wiggins and himself, Senator Kenney introduced to the Senate, Jerry and Brian Reardon, Kansas City.

Senator Singleton introduced to the Senate, Ruth Connor, Neosho; and Bonnie and Phil Garvin, Joplin.

Senator Rohrbach introduced to the Senate, his wife, Beth, California.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FOURTH DAY--THURSDAY, MARCH 5, 1998

The Senate met pursuant to adjournment.

Senator Staples in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, it may seem like a little thing, but it may help someone make it through the day. Lord, lead us to those who need a friendly smile, a warm handshake, a pat on the back or a word of encouragement. Lead those who have these things in abundance to us and inspire us to pass it on. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
Absent with leave--Senators			
Curls	Kinder--2		

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 1298, regarding the Helias High School Wrestling Team, Jefferson City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1299, regarding Brian C. Hauswirth, Jefferson City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1300, regarding Dr. Jeanne K. Schwaller, Jefferson City, which was adopted.

Senator Quick offered Senate Resolution No. 1301, regarding Jeremy Lynn Clevenger, Parkville, which was adopted.

THIRD READING OF SENATE BILLS

SB 489, with **SCS**, introduced by Senator Goode, entitled:

An Act to repeal section 144.025, RSMo 1994, relating to taxation, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 489**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 489

An Act to repeal section 144.025, RSMo 1994, relating to taxation, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

President Pro Tem McKenna assumed the Chair.

Senator Goode moved that **SCS** for **SB 489** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **SB 489** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Jacob	Johnson	Kenney	Klarich
Lybyer	Mathewson	McKenna	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--26		
NAYS--Senators			
Graves	Howard	Rohrbach--3	
Absent--Senators			
Clay	House	Maxwell--3	
Absent with leave--Senators			
Curls	Kinder--2		

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

SB 558, introduced by Senator Wiggins, entitled:

An Act to repeal section 144.062, RSMo 1994, relating to certain sales tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Wiggins, **SB 558** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Kenney	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Clay	Johnson--2		
Absent with leave--Senators			
Curls	Kinder--2		

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SB 634, with **SCS**, introduced by Senator Westfall, entitled:

An Act to repeal sections 577.020 and 577.041, RSMo Supp. 1997, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions and an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 634**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 634

An Act to repeal sections 577.020 and 577.041, RSMo Supp. 1997, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions and an emergency clause.

Was taken up.

Senator Westfall moved that **SCS** for **SB 634** be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **SB 634** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich

Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Curls	Kinder--2		

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Curls	Kinder--2		

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1014**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1998.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 1014**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1014An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1998.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1014** be adopted.

Senator Johnson announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

Senator DePasco offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1014, Page 6, Section 14.080, by deleting said section in its entirety.

Senator DePasco moved that the above amendment be adopted.

At the request of Senator DePasco, **SA 1** was withdrawn.

Senator Schneider offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1014, Page 4, Section 14.045, Line 3, by inserting after the word "Equipment" on said line the following ", for purchase of computer hardware and software relating to computerization of lobbyist reports, and for no other

purpose.....\$187,400

Expense and Equipment, for postage and no other purpose.....\$35,000".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1014**, as amended, be adopted, which motion prevailed.

Under the provisions of Senate Rule 90, Senator Maxwell requested consent of the Senate to be excused from voting on **SCS** for **HCS** for **HB 1014**, as amended, which request was granted.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1014**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Klarich	Lybyer
Mathewson	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senator Banks--1

Absent with leave--Senators

Curls

Kinder

Singleton--3

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 610** and **SB 835**, with **SCS**, respectfully requests that they be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 897**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 849**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS** for **SCS** for **SB 596**; and **SB 487**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Marcella W. Williams and Mary E. Breckenridge, as members of the State Board of Health;

Also,

Dawn M. Parsons, as a member of the Missouri Veterinary Medical Board;

Also,

Michael R. Seever and Jeanne R. Rhoades, as members of the Advisory Commission for Clinical Perfusionists;

Also,

Michael E. Joseph, as a member of the State Board of Registration for the Healing Arts;

Also,

Linda R. Blake, as a member of the Missouri Real Estate Appraisers Commission;

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Quentin C. Wilson, as Director of the Department of Revenue, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Jacob moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

REFERRALS

President Pro Tem McKenna referred **SS** for **SB 724** to the Committee on State Budget Control.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HJR 39--Corrections and General Laws.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Monte Olsen, Tomas Ondrusek, Slovakia; Julia Richter, Germany; Anders Nielsen, Denmark; Mishela Mullins, West Plains; and Andrew and Dave Olsen, Belton; and Tomas, Julia, Anders, Mishela, Andrew and Dave were made honorary pages.

Senator Westfall introduced to the Senate, Dan Johnson and eighth grade students from Aurora; and John Hammond, Jared White, Jennifer Lacy and Tarah Real were made honorary pages.

Senator Schneider introduced to the Senate, students from Brown Elementary School, St. Louis County; and Nadia Leos, Leah Roff, Marianne Murchison and Kelly George were made honorary pages.

Senator Singleton introduced to the Senate, Elza Winter, Diamond; and Bob and Carolyn Smith, Seneca.

On behalf of Senator Staples, the President introduced to the Senate, Jessie Williams and a group of associate nurses from Mineral Area College.

Senator Westfall introduced to the Senate, Fred Lotz, Homer Guernsey and the Voice of Democracy winners, Stockton; and Sarah Jeffries, Jennifer Camp and Kerri Albricht were made honorary pages.

Senator Flotron introduced to the Senate, nineteen students from Pattonville High School, Maryland Heights.

On behalf of Senator Bentley and himself, Senator Westfall introduced to the Senate, Lane Baxter, Wayne Butler and Marvin Grier, Greene County.

Senator Sims introduced to the Senate, seventy-five eighth grade students from McKinley Classical Junior Academy, St. Louis; and Carl Duncan, Jason Weaver, Rachel Harris and Anriada Mehmeti were made honorary pages.

Senator Schneider introduced to the Senate, Frances Dennis, Donna Wallner and thirty nursing students from Florissant Valley Community College.

Senator Singleton introduced to the Senate, Barbara and Steve Hunter, Jasper.

Senator Ehlmann introduced to the Senate, Earl Heitman and Paul Wilke, St. Charles County.

Senator Westfall introduced to the Senate, Bernard M. Kertz, Huntsville; Drexel R. Atkisson, Everton; Connie and Bob Zwingle, Greenfield; and Boyd Arthur, La Russell.

Senator Caskey introduced to the Senate, Kevin Fisher, Bates County.

Senator Russell introduced to the Senate, Dayle Nelson and Owen Smith, Buffalo.

Senator Graves introduced to the Senate, thirty nursing students from Trenton North Central Missouri College.

Senator Rohrbach introduced to the Senate, Harold Raithel and Norma Hackamack, Jefferson City; and Mr. and Mrs. Leroy Stegner, Pilot Grove.

On behalf of Senator McKenna, the President introduced to the Senate, Farm Bureau county leaders from across the state.

Senator Rohrbach introduced to the Senate, Baktigul Kurmanbekovna Turdubekova, Kyrgyzstan; Katya Ryazantseva and Ksenya Nicolaievna Lepeshko, Russia; and Camille Segard, France.

Senator Quick introduced to the Senate, George and Eva Smith, and their children, Nathan, Rachel and Elizabeth, Clay County; and Nathan, Rachel and Elizabeth were made honorary pages.

On behalf of Senator McKenna, the President introduced to the Senate, Ms. Weiter, and twenty-seven seventh grade students from St. Joseph's Catholic School, Kimmswick; and Denis Ditch, Adam Peetz, Katie Hoffmeister and Shelley Price were made honorary pages.

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Monday, March 9, 1998.

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FIFTH DAY--MONDAY, MARCH 9, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, help us to practice what is moral and not just what is legal; what is right, not just what is acceptable; and what is best for the people and not just what is popular. We pray that our leaders will take the high road, not just the well traveled; will make choices that are morally correct and not just politically correct. In Jesus name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 5, 1998, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
Absent with leave--Senator Graves--1			

RESOLUTIONS

Senator House offered Senate Resolution No. 1302, regarding Keith A. Smith, O'Fallon, which was adopted.

Senator Schneider offered Senate Resolution No. 1303, regarding William Timothy (Billy) Levins, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 1304, regarding Elmer F. Rudroff, Florissant, which was adopted.

Senator Russell offered Senate Resolution No. 1305, regarding Donald L. Clark, Lebanon, which was adopted.

Senator Yeckel offered Senate Resolution No. 1306, regarding Joseph "Joe" Matuszak, St. Louis, which was adopted.

Senator Singleton offered Senate Resolution No. 1307, regarding James "Jim" Lawrence, Roanoke, Virginia, which was adopted.

Senator Sims offered Senate Resolution No. 1308, regarding Bob Biribin, Bridgeton, which was adopted.

Senator Sims offered Senate Resolution No. 1309, regarding the Collier Family, St. Ann, which was adopted.

Senator Sims offered Senate Resolution No. 1310, regarding Bette O'Keefe, St. Louis, which was adopted.

Senator Singleton offered Senate Resolution No. 1311, regarding Stephen Radford, which was adopted.

Senator Quick offered Senate Resolution No. 1312, regarding Grant Hensel, Liberty, which was adopted.

Senator Schneider offered Senate Resolution No. 1313, regarding James Stephen Parks, Jr., Florissant, which was adopted.

Senator Wiggins offered Senate Resolution No. 1314, regarding the death of Billie B. Brandt, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1315, regarding the death of Gladys P. Eichenberger, Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 1316, regarding the death of William "Bill" John Donath, Jr., Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1317, regarding the death of Annie Byrl Reardon Poindexter, Independence, which was adopted.

Senator Wiggins offered Senate Resolution No. 1318, regarding the death of Mr. Frank Stein, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1319, regarding the death of Billy Dean Ragar, Grandview, which was adopted.

Senator Wiggins offered Senate Resolution No. 1320, regarding the death of Sarah "Ann" Russell Smith, Overland Park, Kansas, which was adopted.

Senator Wiggins offered Senate Resolution No. 1321, regarding the death of Rose Silverman, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1322, regarding the death of Mr. Edwin I. Allen, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1323, regarding the death of Mrs. Mary McClellan Lyons, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1324, regarding the death of Margaret Smith Brinkman, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1325, regarding the death of Elizabeth M. Brooks, Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 1326, regarding the death of Congetta Accurso, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1327, regarding the death of Albert N. "Bud" Mayer, which was

adopted.

Senator Wiggins offered Senate Resolution No. 1328, regarding the death of Charles C. H. Shoemaker, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1329, regarding the death of Carolyn JoAnn Sallee Fennwald, Kansas City, which was adopted.

Senator Flotron offered Senate Resolution No. 1330, regarding the GALACTIC Program at the Hazelwood School District, which was adopted.

Senator House offered Senate Resolution No. 1331, regarding Missouri Winter Texan Day, which was adopted.

Senators Wiggins and House offered Senate Resolution No. 1332, regarding Julie B. Peetz, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1333, regarding Dustin Lee Rosenberg, Foristell, which was adopted.

CONCURRENT RESOLUTIONS

Senator Caskey offered the following concurrent resolution, which was read:

SENATE CONCURRENT RESOLUTION NO. 36

WHEREAS, the smiling Irish eyes of James "Jimmy" C. Kirkpatrick graced the Secretary of State's office for twenty years, an achievement that bestowed on him the singular honor of having served the citizens of Missouri in statewide office longer than any other officeholder in Missouri history; and

WHEREAS, those smiling Irish eyes of James C. Kirkpatrick stole away the hearts of more than 8.4 million Missouri voters during his career, a record unparalleled by any other Missouri officeholder; and

WHEREAS, throughout his career in public office, James C. Kirkpatrick wore the badges of honor, integrity, and character as nobly and proudly as he wore the Irish green, exemplifying what a special opportunity and privilege public service can be when it is conducted in a context of mutual respect between the officeholder and the citizens represented; and

WHEREAS, as Secretary of State, James C. Kirkpatrick performed the duties of his high office in an innovative, efficient, effective, and responsible manner that maintained public trust and confidence and emphasized fair service to all citizens; and

WHEREAS, the strong leadership of James C. Kirkpatrick extended not only to government, but to education, business, politics, and the media as well as in his continual efforts to improve the quality of life for all Missourians; and

WHEREAS, James C. Kirkpatrick earned the title of Missouri's senior statesman by dedicating his life to the service of others with an enthusiasm for life and a genuine concern for his fellow citizens that elicited the admiration and respect of every Missouri citizen; and

WHEREAS, throughout his life, James C. Kirkpatrick shared his knowledge and wisdom as a mentor to countless government officials and students interested in learning more about government; and

WHEREAS, because of his outstanding public service, both in and out of elective office, James C. Kirkpatrick will be forever known as one of Missouri's most beloved public figures; and

WHEREAS, James C. Kirkpatrick's unprecedented admiration for and dedication to the people of Missouri flowed as freely as his green ink; and

WHEREAS, for 92 years the world seemed bright and gay because the happy Irish heart of James C. Kirkpatrick opened its great humanity to every person he met; and

WHEREAS, during his glorious tenure as Secretary of State, James C. Kirkpatrick established Missouri's first Records Management and Archives Service; and

WHEREAS, in 1991, the Missouri State Information Center was constructed to house that and the other divisions of the Missouri Secretary of State's office that James C. Kirkpatrick administered so magnificently; and

NOW, THEREFORE, BE IT RESOLVED that in tribute and respect to the legacy and service Missouri's most famous Irishman, James C. Kirkpatrick, provided to the citizens of Missouri throughout his life, the members of the Missouri Senate of the Eighty-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby declare the Missouri State Information Center shall hereinafter be known as the James C. Kirkpatrick State Information Center; and

BE IT FURTHER RESOLVED, that the Office of Administration shall be instructed to make appropriate changes to all printed material and signage to reflect this action in commemoration of this great Missourian; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Office of Administration and the Secretary of State's Office.

Senator Caskey moved that the entire membership be shown on the concurrent resolution, which motion prevailed.

Senator Caskey requested unanimous consent of the Senate to suspend the rules so that **SCR 36** may be taken up for adoption, which request was granted.

On motion of Senator Caskey, **SCR 36** was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Graves	Schneider--2		

THIRD READING OF SENATE BILLS

SB 649, with **SCS**, introduced by Senator House, entitled:

An Act to repeal section 301.142, RSMo Supp. 1997, relating to physically disabled license plates and placards, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 649**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 649

An Act to repeal section 301.142, RSMo Supp. 1997, relating to license plates for the physically disabled, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator House moved that **SCS** for **SB 649** be adopted, which motion prevailed.

On motion of Senator House, **SCS** for **SB 649** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Bentley--1			
Absent with leave--Senators			
Graves	Schneider--2		

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 842, introduced by Senator Caskey, entitled:

An Act to repeal section 217.360, RSMo Supp. 1997, relating to offenses committed on the premises of correctional centers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 842** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Graves	Schneider--2		

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Ehlmann moved that motion lay on the table, which motion prevailed.

SB 820, with **SCS**, introduced by Senator Ehlmann, entitled:

An Act to repeal section 67.1000, as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bill no. 3 of the second extraordinary session of the eighty-ninth general assembly, relating to local tourism taxes of municipalities and other political subdivisions, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 820**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 820

An Act to repeal section 67.1000, as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bill no. 3 of the second extraordinary session of the eighty-ninth general assembly, relating to local tourism taxes of municipalities and other political subdivisions, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Ehlmann moved that **SCS** for **SB 820** be adopted, which motion prevailed.

On motion of Senator Ehlmann, **SCS** for **SB 820** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	House	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Howard--1			
Absent with leave--Senators			
Graves	Schneider--2		

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder

Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Graves	Schneider--2		

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Russell moved that **SB 538**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Russell moved that the above amendment be adopted.

Senator Russell offered **SSA 1** for **SCA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 538, Page 1, Section 1, Line 4, by inserting after the word "**compensation**" the following: "**or holds himself or herself out as a qualified electrician or plumber**"; and

Further amend said bill, Page 1, Section 1, Line 18, by inserting after all of said line the following:

"5. Those persons performing electrical work as part of their employment by any utility, including, but not limited to, any such utility that is created or regulated pursuant to chapter 91, RSMo, chapter 393, RSMo, or chapter 394, RSMo, or as part of their employment by a railroad corporation, as defined in section 388.010, RSMo, shall not be subject to licensure pursuant to this section.

6. No electrician or plumber who is employed on a full-time basis, and not as an independent contractor, by a company to do electrical or plumbing installation or maintenance for such company on such company's property shall be subject to licensure pursuant to the provisions of this section."

Senator Russell moved that the above substitute amendment be adopted, which motion prevailed.

On motion of Senator Russell, **SB 538**, as amended, was declared perfected and ordered printed.

Senator House moved that **SB 641** be taken up for perfection, which motion prevailed.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 641, Page 1, Section 173.260, Lines 8-10, by striking all of said lines and inserting in lieu thereof the following:

"(3) "Employee", any full-time **state** employee [of the department of highways and transportation engaged in the construction or maintenance of the state's highways, roads and bridges] **as defined pursuant to section 105.800, RSMo**"; and

Further amend said bill, Page 2, Section 173.260, Line 26, by inserting after the word "officer" the words "**or employee**"; and further amend said page and section, line 27, by inserting after the word "officer" the words "**or employee**"; and further amend said page and section, line 37, by inserting after the word "officer" the words "**or employee**"; and further amend said section, page 3, line 81, by inserting after the word "officer" the words "**or employee**"; and further amend said page and section, line 84, by inserting after the word "officer" as it appears the first time the words "**or employee**"; and further amend said page, section and line, by inserting after the word "officer" as it appears the second time the words "**or employee**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Mueller offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 641, Page 3, Section 173.260, Line 86, by inserting after said line the following:

"Section 1. Any citizen of Missouri killed or permanently and totally disabled while engaging in any action which would be considered line of duty if performed by a public safety officer shall be eligible for all the benefits provided for public safety officers pursuant to Section 173.260."; and

Further amend the title and enacting clause accordingly.

Senator Mueller moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 2** is out of order in that it goes beyond the scope and purpose of the bill.

Senator Banks assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Johnson assumed the Chair.

Senator Mueller moved that **SA 2** be adopted, which motion prevailed.

On motion of Senator House, **SB 641**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1014**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 5, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Janice Lea Dye, Democrat, 20600 Hwy T. Waynesville, Pulaski County, Missouri 65583, as a member of the Southwest Missouri State University Board of Governors, for a term ending January 1, 2003, and until her successor is duly appointed and qualified; vice, James R. Craig, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 5, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Paul L. Redfearn, Democrat, 3909 N.E. Clearbrook, Lee's Summit, Jackson County, Missouri 64064, as a member of the Southwest Missouri State University Board of Governors, for a term ending January 1, 2003, and until his successor is duly appointed and qualified; vice, George R. Blakemore, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald L. Hiatte, P.E., 3988 County Road 436, New Bloomfield, Callaway County, Missouri 65063, as a member of the Missouri State Board of Architects, Professional Engineers and Land Surveyors, for a term ending December 13, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jeffrey D. Cawlfeld, Democrat, 820 Innsbrook Apt. A, Rolla, Phelps County, Missouri 65401, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dean E. Freeman, Republican, 33862 Holt 250, Oregon, Holt County, Missouri 64473, as a member of the Dam and Reservoir Safety Council, for a term ending April 3, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Craig F. Lowther, 2415 East Raynell, Springfield, Greene County, Missouri 65804, as a public member of the Missouri Real Estate Commission, for a term ending August 16, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ronald L. Phillips, M.D., Democrat, 1700 South Cottage Grove, Kirksville, Adair County, Missouri 63501, as a member of the State Board of Registration for the Healing Arts, for a term ending August 13, 2000, and until his successor is duly appointed and qualified; vice, Nicholas F. Robinson, M.D., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 6, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert G. Schemenauer, Democrat, 4003 Cambridge Circle, Jefferson City, Cole County, Missouri 65109, as a member of the Public Service Commission, for a term ending January 4, 2001, and until his successor is duly appointed and qualified; vice, Karl Zobrist, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 925**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

INTRODUCTIONS OF GUESTS

On behalf of Senator Lybyer and himself, Senator Klarich introduced to the Senate, Anna Hardecke, Owensville.

Senator Mueller introduced to the Senate, Dan Fauska, and his children, Anthony, Kent and Sarah, St. Louis; and Anthony and Kent were made honorary pages.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SIXTH DAY--TUESDAY, MARCH 10, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we are thankful for and ask Your blessing upon the givers of the world. We are thankful for those who are more interested in giving than receiving; in blessing others instead of always being the one who is blessed. Help us to live by the words of Jesus, "It is more blessed to give than to receive." Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Graves offered Senate Resolution No. 1334, regarding the Eighty-fifth Birthday of Marie Cannon, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1335, regarding the Eightieth Birthday of Mrs. Eunice Sayre, Browning, which was adopted.

Senator Graves offered Senate Resolution No. 1336, regarding the Ninetieth Birthday of Peggy Pfof, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1337, regarding the Ninetieth Birthday of Mrs. Wilma Newby, Maysville, which was adopted.

Senator Graves offered Senate Resolution No. 1338, regarding the Eighty-fifth Birthday of Dorothy Todd, Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 1339, regarding the One Hundredth Birthday of Henry Munkres, Oregon, which was adopted.

Senator Graves offered Senate Resolution No. 1340, regarding the Ninetieth Birthday of Mrs. May Stoff, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 1341, regarding the One Hundredth Birthday of Bernice Yandell, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 1342, regarding the Eightieth Birthday of Mr. Bill Church, Amazonia, which was adopted.

Senator Graves offered Senate Resolution No. 1343, regarding the Eightieth Birthday of Mr. Francis G. Karl, Plattsburg, which was adopted.

Senator Graves offered Senate Resolution No. 1345, regarding the One Hundredth Birthday of Mr. Carl Hayzlett, Forest City, which was adopted.

Senator Graves offered Senate Resolution No. 1346, regarding the One Hundred Fourth Birthday of Glen M. Goodspeed, Maryville, which was adopted.

Senator Schneider offered Senate Resolution No. 1347, regarding Tony Ray Herbert, Florissant, which was adopted.

PRIVILEGED MOTIONS

Senator Lybyer moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 1014**, as amended, and grant the House a conference thereon, which motion prevailed.

THIRD READING OF SENATE BILLS

SB 827, introduced by Senator Mathewson, entitled:

An Act to repeal section 135.110, RSMo Supp. 1997, relating to tax credits for economic development purposes, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 827** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Curls	Rohrbach	Russell--3
Absent with leave--Senator Graves--1		

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 828, introduced by Senator Mathewson, entitled:

An Act to repeal section 33.564, RSMo 1994, relating to the international trade show revolving fund, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 828** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Curls	Russell--2		
Absent with leave--Senator Graves--1			

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 829, introduced by Senator Mathewson, entitled:

An Act to repeal section 100.255, as enacted by conference committee substitute for house committee substitute for senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly, relating to the definition of a development agency, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 829** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples

Westfall

Wiggins

Yeckel--31

NAYS--Senators--None

Absent--Senators

Curls

Ehlmann--2

Absent with leave--Senator Graves--1

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 583** and **SB 645**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 583** and **645**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 583 and 645

An Act to amend chapter 11, RSMo, by adding thereto five new sections relating to the common language of the state.

Was taken up.

Senator Maxwell moved that **SCS** for **SBs 583** and **645** be adopted.

Senator Maxwell offered **SS** for **SCS** for **SBs 583** and **645**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 583 and 645

An Act relating to the common language of the state.

Senator Maxwell moved that **SS** for **SCS** for **SBs 583** and **645** be adopted.

Senator Ehlmann offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 583 and 645, Page 1, Section 1, Line 2, by adding at the end of said line, the following: "and recognizes that fluency in English is necessary for full integration of non-native Missourians into our common American culture".

Senator Ehlmann moved that the above amendment be adopted.

Senator Klarich offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 583 and 645, Page 1, Lines 1-2, by deleting said lines; and

Further amend said bill, by deleting on page 1, lines 5, 13, 14; page 2, lines 4, 9, 21; page 3, line 9, the word "common" and replace in lieu thereof the word "English".

Senator Klarich moved that the above substitute amendment be adopted.

Senator Johnson assumed the Chair.

Senator Schneider offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 583 and 645, Line 2 of said amendment, by adding after the word "lines" the following: "and substitute the following:

Section 1. The General Assembly recognizes that English is the most common language used in Missouri."

Senator Schneider moved that the above amendment be adopted, which motion prevailed on a standing division vote.

President Pro Tem McKenna assumed the Chair.

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

Senator Staples assumed the Chair.

SSA 1 for **SA 1**, as amended, was again taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 583 and 645, Page 3, Section 3, Line 3, by adding after the period on said line the following: "**Such classes shall not constitute a parallel course of study or duplicate those classes provided in the common language.**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

President Pro Tem McKenna assumed the Chair.

Senator Maxwell offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 583 and 645, Page 2, Section 3, Line 22, by inserting immediately after the word "gender," the following: "**age**"; and further amend lines 23 and 24, by striking all of said lines and inserting in lieu thereof the following: "**national origin. Such entity shall not discriminate against a child based upon the nature of the child's school.**".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 583 and 645, Section 5, Line 19, by deleting said line and replacing in lieu thereof, the following: "From the estate or trust or both, as provided in the trust agreement, testamentary document, or as allocated by the court.".

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Maxwell, **SB 583** and **SB 645**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), were placed on the Informal Calendar.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Staples.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS** for **SB 724**; **SS No. 2** for **SCS** for **SB 632**; and **SCS** for **SB 571**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 538** and **SB 641**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senators Wiggins and DePasco offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1349

WHEREAS, the members of the Missouri Senate have been pleased to learn that plans are well under way for the annual St. Patrick's Day Parade, a longtime premier Irish event in Kansas City which has grown to be the third largest in the nation; and

WHEREAS, as a prelude to this significant event which serves as a monumental testimonial, not just to the Irish citizens of Kansas City and their proud heritage, but to the Irish people of the world, there will be held on Wednesday, March 11, the St. Patrick's Day kickoff luncheon; and

WHEREAS, this year's luncheon, to be held at the Muehlebach Towers, will be the 25th annual luncheon, the silver anniversary of this outstanding event; and

WHEREAS, although the Missouri Senate will be in session on March 11, in the State Capitol, and its members thus unable to attend, the Senate is nevertheless anxious to take note of this historic event and honor its participants through an Official Senate Resolution; and

WHEREAS, the Kansas City St. Patrick's Day Parade and its official luncheon, have had a long and glorious history beginning years ago when the one and only Mike Murphy, Dan Hogerty, Sr. and others marched up Baltimore Street to begin a magnificent heritage, accompanied through the history books like the one and only Monsignor Arthur Tighe, Bishop Charles Helmsing, Bishop John J. Sullivan, Bishop Thomas Boland and Pat O'Neill and all members of the Ancient Order of Hibernians and others far to numerous to mention and list here:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute and congratulate the sponsors and participants in the 25th annual St. Patrick's Day Luncheon, 1998, express their appreciation for all their distinguished Irish leaders and friends of the Irish who have contributed so much over so many years, and express to all these magnificent people very best wishes for a wonderful and extraordinary celebration for the Luncheon and Parade in 1998, and every year thereafter for as long as there is a St. Patrick's Day which means forever for all eternity; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Mike Murphy, the Hogerty Family, Bishop John Sullivan, Bishop Thomas Boland, Pat O'Neill, Tom Wyrsh and the Ancient Order of Hibernians.

Senator Singleton offered Senate Resolution No. 1350, regarding the Zar Entertainment Group, which was adopted.

Senator Mueller offered Senate Resolution No. 1351, regarding Boy Scout Troop #301, which was adopted.

THIRD READING OF SENATE BILLS

SB 642, introduced by Senator Maxwell, entitled:

An Act to repeal section 33.103, RSMo Supp. 1997, relating to state financial administration, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Maxwell, **SB 642** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Flotron	Goode	Graves
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Singleton
Staples	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Clay	Curls	Ehlmann	House
Sims--5			
Absent with leave--Senator Lybyer--1			

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

President Pro Tem McKenna assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 583** and **SB 645**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), be called from the

Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 was again taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 583 and 645, Page 2, Section 3, Line 24, by adding at the end of said line the following: "Any entity accepting a grant under this section may provide English language instruction to individuals of one specific language background."

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 583 and 645, Page 1, Section 1, Line 2 of said page, by inserting immediately after the word "Missouri" the following: "**and recognizes that fluency in English is necessary for full integration of non-English speaking Missourians into our common American culture**".

Senator Ehlmann moved that the above amendment be adopted.

Senator Schneider offered **SA 1** to **SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 583 and 645, Line 3, by striking the word "necessary" and substitute the word "beneficial".

Senator Schneider moved that the above amendment be adopted, which motion failed.

SA 6 was again taken up.

At the request of Senator Ehlmann, the above amendment was withdrawn.

Senator Ehlmann offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 583 and 645, Page 1, Section 1, Line 2 of said page, by inserting immediately after the word "Missouri" the following: "**and recognizes that fluency in English is necessary for full integration into our common American culture**".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 583 and 645, Page 2, Section 3, Line 7 of said page, by inserting at the end of said line the following: "**private schools**"; and further amend same page and section, line 13 of said page, by inserting at the end of said line the following: "**Grants shall be divided between public school districts and private and parochial schools in the same ratio as the ratio that those in need attend public or private schools.**".

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, **SA 8** was withdrawn.

Senator Ehlmann offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 583 and 645, Page 3, Section 4, Line 12, by inserting after the period on said line the following: "**Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated by the department of Social Services under the authority of this section, shall become effective only if the department has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act.**".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell moved that **SS** for **SCS** for **SBs 583** and **645**, as amended, be adopted, which motion prevailed.

Senator Maxwell moved that **SS** for **SCS** for **SBs 583** and **645**, as amended, be declared perfected and ordered printed, which motion prevailed on a standing division vote.

Senator Scott moved that **SB 846** and **SB 847**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 846** and **847**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 846 and 847

An Act to repeal sections 339.503, 339.505, 339.511, 339.515, 339.517, 339.519, 339.523, 339.529, 339.530, 339.532 and 339.545, RSMo 1994, relating to real estate appraisers, and to enact in lieu thereof fourteen new sections relating to the same subject.

Was taken up.

Senator Scott moved that **SCS** for **SBs 846** and **847** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 846 and 847, Page 8, Section 339.515, Lines 16-17, by

striking "appraisal qualification" and inserting in lieu thereof the following: **"appraiser qualifications"**; and

Further amend said bill, page 11, section 339.529, line 8, by striking the word "ten" and inserting in lieu thereof the following: **"thirty"**; and further amend line 12, by striking the word "ten" and inserting in lieu thereof the following: **"thirty"**; and

Further amend said bill, page 12, section 339.530, line 9, by striking "appraisal qualification" and inserting in lieu thereof the following: **"appraiser qualifications"**; and

Further amend said bill, page 13, section 339.532, line 18, by striking the following: "this".

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 846 and 847, Page 2, Section 339.501, Line 19, by inserting after the period on said line the following: **"Any person may conduct appraisals if the person or entity requesting such appraisal signs a statement to the effect that such person or entity is aware that the person conducting such appraisal or appraisals is not a licensed or certified appraiser."**

Senator Childers moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Johnson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 846 and 847, Page 16, Section 339.549, Line 18, by inserting after all of said line the following:

"339.550. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 846 and 847, Page 1, Section 339.501, Lines 1 to 6, by striking said lines after the numerals "339.501.1"; and amend page 6, Section 339.505, line 10, by removing the bracket after the word "compensation"; and amend line 7, by placing a bracket after the word "certified".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Ehlmann, Kenney and Mathewson.

SA 4 failed of adoption by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	Ehlmann
Flotron	Kenney	Kinder	Klarich
Rohrbach	Russell	Schneider	Singleton
Westfall	Yeckel--14		
NAYS--Senators			
Banks	Curls	Goode	Graves
House	Howard	Jacob	Johnson
Mathewson	McKenna	Mueller	Quick
Scott	Sims	Staples	Wiggins--16
Absent--Senators			
Bentley	DePasco	Maxwell--3	
Absent with leave--Senator Lybyer--1			

Senator Yeckel offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 846 and 847, Page 2, Section 339.501, Line 33, by striking the words "full-time regular", and inserting after the word employee, the words "**or agent**".

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 846 and 847, Page 2, Section 339.501, Lines 29-32, by deleting all of said lines.

Senator Rohrbach moved that the above amendment be adopted.

At the request of Senator Scott, **SB 846** and **SB 847**, with **SCS** and **SA 6** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 940**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 941**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 900**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 961**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 963**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 963, Page 1, Section 197.313, Line 5, by striking the following: "Facilities that have"; and further amend lines 6 to 8, by striking all of said lines and inserting in lieu thereof the following: "**Any health care facility which has received a non-applicability certificate of need letter by July 11, 1998, shall be allowed until December 31, 1998, to complete and license the beds allowed by this exception.**".

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 928**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Clay, Chairman of the Committee on Labor and Industrial Relations, Senator Quick submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 922**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 884**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1014**, as amended: Senators Lybyer, Wiggins, Goode, Russell and Singleton.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Betty Rittenour, Linda Staples, Nancy Hodson and Betty Vigneaux, Springfield.

Senator Westfall introduced to the Senate, Joan Jordan, Hickory County; and Sheri Sisco and Melanie Welch, Polk County.

Senator Maxwell introduced to the Senate, Carl Roberts and Jim Bousquet, Mexico; Gary Luther, DeSoto; Ron Dunkle, Paris; and Robert H. Nugent, Ste. Genevieve.

Senator Singleton introduced to the Senate, Norma Hildreth, Betty Lehar and Sandy Blakely, Neosho.

Senator Curls introduced to the Senate, Stacy Daniels, Kansas City.

Senator Westfall introduced to the Senate, Dennis Cooper and Amy Dugan, Bolivar.

Senator Sims introduced to the Senate, fifty eighth grade students from Fannie Middle School and Parkway Southwest Middle School, St. Louis; and Aldina Harbas, Tejendra Patel, Arthur Stewart and Lydia Cheng were made honorary pages.

Senator Caskey introduced to the Senate, Bruce Unrue, and twelve sixth, seventh and eighth grade students from Harmony School, Butler.

Senator Flotron introduced to the Senate, sixty-five fourth grade students from Carrollton Elementary School, Bridgeton; and Rachel Wessler, Kevin Powers, Marcie Bayne and Jamicia Phillips were made honorary pages.

Senator Flotron introduced to the Senate, Sally Bokal, Ann LoPiccolo, Lisa Johnson, Sue McCartney, and one hundred fourth grade students from Bellerive School, Creve Coeur.

Senator Caskey introduced to the Senate, his wife, Kay, Eddie and Shirley Herrman, Ron and Elsie Phillips, and members of the Priscilla Club, Butler.

Senator Singleton introduced to the Senate, Rex Black and Bill Lewis, Neosho.

Senator Mathewson introduced to the Senate, Charla Eales, Roger Johnson and eighth and ninth grade students from Northwestern R-I School, Mendon; and Ginger Summers, Curtis Linscott, Wes Moxley and Meghan Stewart were made honorary pages.

Senator Kenney introduced to the Senate, Laurel Morton, and her children, Ryan, Andrew and Bret, Lee's Summit; and Andrew was made an honorary page.

Senator Wiggins introduced to the Senate, Rich Gepford and his son, Bill, Kansas City; and Bill was made an honorary page.

Senator Rohrbach introduced to the Senate, Jonathan Schnieders, Ben Sandbothe and Shane Zimmer, Wardsville; and Jonathan, Ben and Shane were made honorary pages.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SEVENTH DAY--WEDNESDAY, MARCH 11, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Dear Lord, we can all identify with Mark Twain when he said, "It isn't those things about the Bible that I don't understand that bother me but those things that I do understand." There are times when we don't know what is the right thing to do, the right thing to say or the right choice to make. We pray that our leaders will have the courage to say and do those things they know to be right. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Graves offered Senate Resolution No. 1352, regarding the One Hundred Fiftieth Anniversary of the First Baptist Church of Princeton, which was adopted.

THIRD READING OF SENATE BILLS

SB 839, introduced by Senators Howard and Clay, entitled:

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to notification of unemployment benefit eligibility by certain employers.

Was called from the Consent Calendar and taken up by Senator Howard.

On motion of Senator Howard, **SB 839** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Ehlmann	Flotron	Schneider--3	
Absent with leave--Senator Jacob--1			

The President Pro Tem declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Clay moved that motion lay on the table, which motion prevailed.

SB 786, introduced by Senator Clay, entitled:

An Act to repeal sections 213.010, 213.020, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, 213.101 and 213.111, RSMo 1994, and section 213.030, RSMo Supp. 1997, relating to human rights, and to enact in lieu thereof eleven new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Clay, **SB 786** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Schneider	Scott	Sims	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Russell	Singleton--2		
Absent with leave--Senator Jacob--1			

The President Pro Tem declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Lybyer moved that motion lay on the table, which motion prevailed.

SB 854, introduced by Senator Clay, entitled:

An Act to repeal sections 333.041, 333.042 and 333.051, RSMo 1994, relating to funeral directing, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Clay, **SB 854** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Quick	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			
NAYS--Senator Rohrbach--1			
Absent--Senators			
Banks	Mueller	Scott--3	
Absent with leave--Senator Jacob--1			

The President Pro Tem declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SS No. 2 for **SCS** for **SB 632**, introduced by Senator Quick, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 632

An Act to amend chapter 208, RSMo, by adding thereto two new sections relating to providing health care for certain uninsured children, with an expiration date for certain sections.

Was taken up.

On motion of Senator Quick, **SS No. 2** for **SCS** for **SB 632** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Goode
House	Howard	Johnson	Kenney

Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Schneider	Scott
Sims	Wiggins--22		
	NAYS--Senators		
Ehlmann	Flotron	Graves	Kinder
Mueller	Rohrbach	Russell	Singleton
Westfall	Yeckel--10		
	Absent--Senator Staples--1		
	Absent with leave--Senator Jacob--1		

The President Pro Tem declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SS for **SB 724**, introduced by Senator Bentley, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 724

An Act to repeal section 143.183, RSMo 1994, relating to state income tax revenues from certain nonresidents, and to enact in lieu thereof one new section for the sole purpose of providing for state income tax revenues from nonresident entertainers and athletes.

Was taken up.

On motion of Senator Bentley, **SS** for **SB 724** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
Curls	Flotron	Goode	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--26		
	NAYS--Senators		
Ehlmann	Graves	Rohrbach--3	
	Absent--Senators		
Banks	DePasco	Quick	Schneider--4
	Absent with leave--Senator Jacob--1		

The President Pro Tem declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

BILL REFERRALS

President Pro Tem McKenna referred **SB 641** to the Committee on State Budget Control.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 596**, introduced by Senator Johnson, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 596

An Act to repeal sections 578.005 and 578.009, RSMo 1994, relating to the treatment of animals, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Johnson, **SS** for **SCS** for **SB 596** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Banks	Quick--2		
	Absent with leave--Senator Jacob--1		

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SB 487, introduced by Senators Goode and Johnson, entitled:

An Act to repeal sections 304.155, 304.156, 304.157 and 304.158, RSMo Supp. 1997, relating to the removal of abandoned property, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up by Senator Goode.

On motion of Senator Goode, **SB 487** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay

Curls	DePasco	Ehlmann	Flotron
Goode	House	Howard	Johnson
Kenney	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Russell
Schneider	Scott	Sims	Singleton
Staples	Wiggins	Yeckel--27	
	NAYS--Senators		
Graves	Kinder	Westfall--3	
	Absent--Senators		
Banks	Quick	Rohrbach--3	
	Absent with leave--Senator Jacob--1		

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

SB 538, introduced by Senator Russell, entitled:

An Act relating to licensing of certain construction professionals.

Was taken up.

On motion of Senator Russell, **SB 538** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Rohrbach--1		
	Absent--Senator Quick--1		
	Absent with leave--Senator Jacob--1		

The President Pro Tem declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Caskey moved that **SCS** for **SB 659** be called from the Informal Calendar and again taken up for 3rd reading

and final passage, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 659** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
House	Johnson	Klarich	Mathewson
Maxwell	McKenna	Mueller	Quick
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--23	
NAYS--Senators			
Bentley	Childers	Graves	Howard
Kenney	Kinder	Lybyer	Rohrbach
Russell	Staples--10		
Absent--Senators--None			
Absent with leave--Senator Jacob--1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 584**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 584**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 584

An Act to repeal sections 287.610 and 287.615, RSMo 1994, and section 286.005, RSMo Supp. 1997, relating to the department of labor and industrial relations, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Schneider moved that **SCS** for **SB 584** be adopted.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 584, Page 3, Section 287.610, Line 3, by inserting immediately after "state." the following: "**The division may increase the number of administrative law judges up to the maximum number authorized by this section in the following manner: two administrative law judges shall be added in the year 1999; thereafter the department shall annually review the need to add administrative law judges and may add up to two per year up to the total amount authorized by this section subject to appropriation if there is a demonstrated need for an increase in the number of administrative law judges.**"; and further amend said line, by inserting immediately before "review" the following: "**performance**"; and further amend line 5, by

inserting immediately before "review" the following: "**performance**"; and further amend line 8, by inserting immediately before "review" as it appears the first time on said line the following: "**performance**"; and

Further amend said bill, page 5, section 287.615, line 6, by striking the word "at" and inserting in lieu thereof the following: "**of at least forty-one thousand dollars but not more than**".

Senator Schneider moved that the above amendment be adopted.

Senator Childers offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 584, Page 3, Section 287.610, Line 2, by deleting the word "thirty" on said line and insert in lieu thereof the word "**twenty-four**"; and

Further amend said section, line 3, by deleting that portion of line 3 after the period and lines 4, 5, 6, 7, 8 and that portion of line 9 to and including the period on said line.

Senator Childers moved that the above substitute amendment be adopted, which motion failed on a standing division vote.

At the request of Senator Schneider, **SB 584**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 918**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 945**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB927--Financial and Governmental Organization.

HCS for **HBs 957** and **1063**--Judiciary.

HB 1091--Local Government and Economic Development.

HS for **HCS** for **HBs 1147, 1435, 1050, 1186** and **1108**--Civil and Criminal Jurisprudence.

HCS for **HBs 1273, 943** and **1217**--Elections, Pensions and Veterans' Affairs.

HCS for **HBs 1363** and **906**--Education.

HCS for **HB1469**--Civil and Criminal Jurisprudence.

HCS for HBs 1519 and 1165--Elections, Pensions and Veterans' Affairs.

HCS for HBs 1525, 1269 and 1430-- Agriculture, Conservation, Parks and Tourism.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS for HCS for HB1014**, as amended:
Representatives: Franklin, Green, Lakin, Legan, Cooper.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1001**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Fourth State Building Fund, and to transfer money among certain funds for the period beginning July 1, 1998 and ending June 30, 1999.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1002**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 1998 and ending June 30, 1999.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1003**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1998 and ending June 30, 1999.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1004**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1998 and ending June 30, 1999.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SCS** for **SBs 583** and **645**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

BILL REFERRALS

President Pro Tem McKenna referred **SS** for **SCS** for **SBs 583** and **645** to the Committee on State Budget Control.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

THIRD READING OF SENATE BILLS

SB 571, with **SCS**, introduced by Senator Johnson, entitled:

An Act to repeal sections 109.120, 109.130, 109.241 and 575.110, RSMo 1994, relating to public records, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 571**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 571

An Act to repeal sections 109.120, 109.130, 109.241 and 575.110, RSMo 1994, relating to public records, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Johnson moved that **SCS** for **SB 571** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **SB 571** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Caskey	Childers	Clay
Curls	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bentley	DePasco	Ehlmann	Singleton--4
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 584**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 584, Page 5, Section 287.615, Line 25, by inserting after said line the following:

Section 1. The salaries set in sections 286.005, 286.610 and 287.615 shall be subject to appropriations."; and

Further amend the title and enacting clause accordingly.

Senator Lybyer moved that the above amendment be adopted.

Senator Maxwell assumed the Chair.

Senator Caskey offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 584, Page 5, Section 287.615, Line 25, by inserting after said line the following:

Section 1. The salaries set in sections 286.005, 286.610 and 287.615 shall be subject to appropriations."; and

Further amend the title and enacting clause accordingly; and

Further amend on page 5, Section 287.615, line 11, by deleting "ninety" and inserting "one hundred" in lieu thereof.

Senator Caskey moved that the above substitute amendment be adopted.

Senator Lybyer requested a division of the question, asking that a vote first be taken on the portion of the amendment dealing with Section 1 and that a second vote be taken on the portion of the amendment dealing with Section 287.615.

Senator Caskey raised the point of order that the request for a division is out of order as **SSA 1** for **SA 1** is offered as a substitute amendment and is therefore not divisible.

At the request of Senator Caskey, **SSA 1** for **SA 2** was withdrawn, rendering the point of order moot.

SA 2 was again taken up.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 584, Page 4, Section 287.610.4, Line 67, by adding following said line:

"5. No administrative law judge covered by this act shall change any medical determination of disability.".

Senator Singleton moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 3** is out of order, as the amendment goes beyond the scope of the subject matter of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Childers offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 584, Page 3, Section 287.610, Line 8, by deleting line 8, and insert in lieu thereof the following: "**may appeal the review within 30 days one time to the administrative law judge review committee provided the members have changed on the**".

Senator Childers moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 4** is out of order in that it attempts to amend previously amended material.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Childers offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 584, Page 3, Section 287.610, Line 8, by deleting the word

"appeal" on said line and insert in lieu thereof the words "**appeal one time within thirty days**"; and

Further amend said section, line 9, by inserting before the period on said line the words "**provided the membership of such committee has changed**".

Senator Childers moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Mueller, Russell and Sims.

SA 5 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Flotron	Graves
Howard	Kenney	Kinder	Mueller
Russell	Sims	Singleton	Westfall
Yeckel--13			
NAYS--Senators			
Banks	Caskey	Ehlmann	Goode
House	Jacob	Johnson	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Quick	Schneider	Scott	Wiggins--16
Absent--Senators			
Clay	Curls	DePasco	Rohrbach
Staples--5			
Absent with leave--Senators--None			

Senator Flotron offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Bill No. 584, Page 3, Section 287.610, Line 13 of said section, by inserting im-mediately after the period on said line the following:

"2. The division shall require and perform evaluations of an administrative law judge, associate administrative law judge and legal advisor's conduct, performance and productivity based upon written standards established by rule by the division. The division shall adopt the written standards on or before January 1, 1999.

(1) After an evaluation by the division, any administrative law judge, associate administrative law judge or legal advisor who has received an unsatisfactory evaluation in any of the three categories of conduct, performance or productivity, may appeal the evaluation to the administrative law judge review committee.

(2) The division director may refer an unsatisfactory evaluation of any administrative law judge, associate administrative law judge or legal advisor to the administrative law judge review committee.

(3) When a written, signed complaint is made against an administrative law judge, associate administrative law judge or legal advisor, it shall be referred to the director of the division for a determination of merit. When the director finds the complaint has merit, it shall be referred to the administrative law judge review committee for investigation and review.

3."; and

Further amend by renumbering the remaining sub-sections accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Flotron offered **SA 1** to **SA 6**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 6

Amend Senate Amendment No. 6 to Senate Committee Substitute for Senate Bill No. 584, Page 1, Line 8, by striking "written standards" and inserting in lieu thereof the word "**rule**"; and

Further amend said amendment, page 2, line 3, by inserting after said line the following:

"3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

SA 6, as amended, was again taken up.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Schneider moved that **SCS** for **SB 584**, as amended, be adopted, which motion prevailed.

On motion of Senator Schneider, **SCS** for **SB 584**, as amended, was declared perfected and ordered printed.

Senator McKenna moved that **SB 765**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 765**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 765

An Act to repeal sections 313.530, 313.540, 313.550, 313.560, 313.580, 313.590, 313.600, 313.605, 313.610, 313.620, 313.631, 313.632, 313.640, 313.660, 313.670 and 313.710, RSMo 1994, and sections 313.500, 313.510, 313.520, 313.630, 313.652, 313.655 and 313.720, RSMo Supp. 1997, relating to horse racing and pari-mutuel wagering, and to enact in lieu thereof twenty-six new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator McKenna moved that **SCS** for **SB 765** be adopted.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 765, Page 5, Section 313.540, Lines 10-22, by striking all of said lines and inserting in lieu thereof the following:

"2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 765, Page 2, Section 313.500, Line 39, by inserting after all of said line the following:

"(12) "Occupational licensee", any person licensed by the commission to perform an occupation associated with racing, simulcasting or pari-mutuel wagering, which the commission has identified as requiring a license;"; and

Further amend said section by renumbering the remaining subdivisions accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 765, Page 9, Section 313.561, Line 42, by inserting after all of said line the following:

"313.562. A holder of any license shall be subject to impositions of penalties, suspension or revocation of such license, or other action for any act or failure to act by himself or his agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit the Missouri horse racing industry or the state of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, the following acts or omissions may be grounds for such discipline:

(1) Failing to comply with or make provisions for compliance with sections 313.500 to 313.720, the rules and regulations of the commission or any federal, state or local law or regulation;

(2) Failing to comply with an rule, order or ruling of the commission or its agents pertaining to horse racing or pari-mutuel wagering;

(3) Being suspended or ruled ineligible or having a license associated with horse racing revoked or suspended in any state or jurisdiction;

(4) Associating with, either socially or in business affairs, or employing persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted

investigatory or administrative body and who would adversely affect public confidence and trust in horse racing or pari-mutuel wagering;

(5)Employing in any horse racing operation or associated facility, any person known to have been found guilty of cheating or using any improper device in connection with any horse race, pari-mutuel wagering operation or other type of gaming;

(6)Use of fraud, deception, mis-representation or bribery in securing any permit or license issued pursuant to sections 313.500 to 313.720;

(7) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud, deception, or misrepresentation;

(8)Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.500 to 313.710."; and

Further amend said bill, page 17, section 313.640, line 20, by inserting after "licenses." the following: "**A license shall not be granted unless the applicant has, through clear and convincing evidence, demonstrated his or her suitability to be licensed. The commission may reopen licensing hearings at any time.**"; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 765, Page 11, Section 313.580, Line 48, by inserting immediately after said line the following:

"8. No public funds or powers of eminent domain shall be used for the purchase, construction, operation or maintenance of any privately-owned race meeting grounds or associated pari-mutuel facilities, nor shall tax increment financing, as provided for in sections 99.800 to 99.865, RSMo, be utilized for any redevelopment projects that include privately-owned race meeting grounds or associated pari-mutuel facilities."

Senator Kenney moved that the above amendment be adopted.

Under the provisions of Senate Rule 90, Senator Howard was excused from voting on SCS for **SB 765**.

Senator Clay assumed the Chair.

Senator Kenney moved that **SA 4** be adopted, which motion prevailed.

Senator Kenney offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 765, Page 24, Section 313.720, Line 25, by inserting immediately after said line the following:

"Section 1. A licensee may not make a contribution to any candidate, as such terms are defined in chapter 130, RSMo, from the funds of the licensee unless the licensee is the candidate. A license shall not be granted to any applicant who has personally made a political contribution within one year of the filing of the application to any candidate for the general assembly or any statewide office."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion failed.

Senator Caskey offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 765, Page 12, Section 313.585, Line 4, by deleting the period on said line and inserting the following: "; except that only one simulcasting facility shall be licensed per each 21 days of live racing.".

Senator Caskey moved that the above amendment be adopted.

At the request of Senator McKenna, **SB 584**, with **SCS** and **SA 6** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS** for **SB 518**; and **SB 780**, begs leave to report that it has considered the same and recommends that the bills do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1005**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1998 and ending June 30, 1999.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1006**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1998 and ending June 30, 1999.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1007**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1998 and ending June 30, 1999.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1008**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1998 and ending June 30, 1999.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1009**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1998 and ending June 30, 1999.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 947**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 927**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 927, Page 2, Section 135.200, Line 43, by inserting immediately after the numeral "7389" the

following: ", **provided that each such revenue producing enterprise employs a minimum of one hundred employees at a single business facility**".

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 790**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, Senator Quick submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 897**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which were referred **SB 610** and **SB 835**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 970**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 1353, regarding the St. Mary Cathedral Elementary School, Cape Girardeau, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Lybyer introduced to the Senate, John and Cindy Matteson, Leonard Haslag, Christine Hoecker, and students from the Gifted Program at Fatima R-III, Westphalia; and Erin Matteson and Nathan Haslag were made honorary pages.

Senator Graves introduced to the Senate, twenty-three students from Northwest Missouri State University, Maryville.

Senator Bentley introduced to the Senate, Dr. Bud Greve, Conni Ess, Sara Lampe, Gary Kellner and Bill Foster, Springfield.

Senator Flotron introduced to the Senate, the Physician of the Day, Dr. Lanny Turner, Town and Country.

Senator Singleton introduced to the Senate, Dan, Ray and Nathan Smith, Neosho.

Senator Mathewson introduced to the Senate, students from Oak Grove R-VI High School, Oak Grove.

Senator Childers introduced to the Senate, Blake, Debbie and Logan Whitley, Cassville; and Logan was made an honorary page.

Senator Wiggins introduced to the Senate, Bev Hatley, Barbara Engel, Kim Curtis, Ann Whittaker, Vickie Wolgast, Ken Apschnikat, Gerry McReynolds, Steve Barnhart, Mary Lona, Maria Debo, Lopita Sharkey and Vern Goodman, members of the South Kansas City and Grandview Chambers of Commerce.

Senator Bentley introduced to the Senate, Ing Stevenson and Jody Woods, Springfield.

Senator Mueller introduced to the Senate, Nathan Arunski and Rizwan Aly, St. Louis.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-EIGHTH DAY--THURSDAY, MARCH 12, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we all must give an account of ourselves. We aren't always judged fairly, but people hold us accountable for our actions. Sometimes this is a heavy burden for us to bear. Help us to be sure that our actions honor our name and the God that we serve. We pray that when we stand before God in judgment to give an account of ourselves, we will be found acceptable. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Quick moved that the Senate Journal for Wednesday, March 11, 1998, be corrected on Page 394, Column 2, Line 11, by deleting the number "**584**" and inserting in lieu thereof the number "**765**", which motion prevailed.

The Journal of the previous day was read and approved, as corrected.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Howard--1

The Lieutenant Governor was present.

Senator Johnson assumed the Chair.

THIRD READING OF SENATE BILLS

SB 701, introduced by Senator Maxwell, entitled:

An Act to repeal section 208.010, RSMo 1994, relating to public assistance benefits, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Maxwell, **SB 701** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Rohrbach--1			
Absent--Senator McKenna--1			
Absent with leave--Senator Howard--1			

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Mueller moved that motion lay on the table, which motion prevailed.

SB 848, introduced by Senator Mueller, entitled:

An Act to repeal section 644.032, RSMo Supp. 1997, relating to local parks, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Mueller, **SB 848** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Johnson	Kenney	Kinder
Klarich	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Lybyer	Mathewson	Westfall--3	
Absent with leave--Senator Howard--1			

The President declared the bill passed.

On motion of Senator Mueller, title to the bill was agreed to.

Senator Mueller moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator McKenna moved that **SR 1184** be taken up for adoption, which motion prevailed.

Senator Schneider offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 1184, Page 1, Rule 45, Line 16, by striking the word "Senate" appearing before the word "Bill" and by striking the underlined language on page 2.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Johnson announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

On motion of Senator McKenna, **SR 1184**, as amended, was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Quick Westfall--2

Absent with leave--Senator Howard--1

Senator McKenna moved that **SR 1182**, with **SCA 1**, be taken up for adoption, which motion prevailed.

SCA 1 was taken up.

Senator McKenna moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Schneider offered **SSA 1** for **SCA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Resolution No. 1182, Page 203, Column 1, Lines 27-32 of the Senate Journal for Monday, February 16, 1998, by striking all of said lines and inserting in lieu thereof the following:

"The Committee shall review each concurrent resolution, except those dealing with questions of adjournment or going into joint session, prior to its assignment to Committee concerning whether it has the force and effect of law and will report its finding to the Senate. Any concurrent resolution which has the force and effect of law shall

be treated in its passage, in all respects, as is a bill in accordance with Article IV, Section 8 of the Missouri Constitution. No floor debate shall be allowed on the motion to adopt the committee report."

Senator Schneider moved that the above substitute amendment be adopted.

At the request of Senator McKenna, the motion to adopt **SR 1182** was withdrawn, placing the resolution back on the calendar with **SCA 1** and **SSA 1** for **SCA 1** pending.

Senator McKenna moved that **SR 1183** be taken up for adoption, which motion prevailed.

At the request of Senator McKenna, the motion to adopt **SR 1183** was withdrawn, which returned the resolution to the calendar.

Senator Staples assumed the Chair.

Senator Schneider requested consent of the Senate for the Committee on Judiciary to meet while the Senate is in session, which request was granted.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 1001--Appropriations.

HCS for **HB 1002**--Appropriations.

HCS for **HB 1003**--Appropriations.

HCS for **HB 1004**--Appropriations.

HCS for **HB 1005**--Appropriations.

HCS for **HB 1006**--Appropriations.

HCS for **HB 1007**--Appropriations.

HCS for **HB 1008**--Appropriations.

HCS for **HB 1009**--Appropriations.

THIRD READING OF SENATE BILLS

SS for **SB 518** was placed on the Informal Calendar.

SB 780, introduced by Senator House, et al, entitled:

An Act to repeal sections 160.522, 162.152, 162.171, 162.181, 162.191, 162.201, 162.261, 162.321, 162.371, 162.391, 162.411, 162.501, 162.631, 164.161, 164.221, 165.031, 165.221, 166.151, 167.091, 167.101, 167.141, 167.191, 167.211, 167.221, 167.251, 167.260, 167.268, 167.275, 167.278, 167.308, 167.330, 168.171, 168.181, 168.191, 168.201, 168.221, 170.031, 170.041, 170.057, 171.031, 171.051, 171.141, 171.181, 177.011, 177.031, 177.051, 177.073, 177.091, 177.101, 177.131, 177.161, 177.171, 178.290, 178.300, 178.310, 178.320, 178.330, 178.340, 178.350 and 178.360, RSMo 1994, and sections 161.102, 161.205, 163.011, 163.021, 165.011, 165.091, 165.111, 167.161, 168.211 and 177.086, RSMo Supp. 1997, relating to public schools, and to enact in lieu thereof thirty-two new sections relating to the same subject.

Was taken up.

On motion of Senator House, **SB 780** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Schneider
Scott	Sims	Staples	Westfall
Wiggins	Yeckel--30		

NAYS--Senator Banks--1

Absent--Senators

Russell Singleton--2

Absent with leave--Senator Howard--1

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

President Pro Tem McKenna assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Staples, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 683**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 604**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 948**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 921**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 849**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on

the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 936**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 743**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 743, Page 2, Section 40.010, Line 40, by striking the following: ", including economic controls"; and

Further amend said bill, page 13, section 44.125, line 20, by striking the following: "liability provisions" and inserting in lieu thereof the following: "**other provisions of section 105.711**".

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 981**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SB 584**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 818**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which were referred **SB 614**, **SB 696**, **SB 906**, **SB 530**, **SB 912** and **SB 914**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **SB 498**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 627**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 565**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following reports:

Mr. President: Your Committee on Corrections and General Laws, to which were referred **SB 672** and **SB 774**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 792**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 523**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which were referred **SB 646**, **SB 573**, **SB 527**, **SB 493**, **SB 575**, **SB 546**, **SB 663** and **SB 904**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which were referred **SB 515** and **SB 783**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 478**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which were referred **SB 813** and **SB 864**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 856**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 856, Page 1, Section 67.320, Line 7, by inserting after the word "law" the following: "**and limited to areas of traffic violations, solid waste management and animal control**".

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 831**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 522**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Curls, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 762**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 613**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, Senator McKenna submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 871**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 910**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 910, Page 16, Section 454.505, Line 2, by placing an opening bracket "[" immediately before the word "by"; and

Further amend said bill, Page 16, Section 454.505, Line 3, by placing a closing bracket "]" immediately before the comma ",".

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 802**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clay, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 566**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 709**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator House, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 745**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 745, Page 3, Section 160.545, Line 72, by striking "any regionally or nationally accredited"; and further amend said section, line 73, by inserting immediately after the word "four-year", the following: "**approved**"; and further amend said line, by inserting immediately after the word "education", the following: "**defined in section 173.205**"; and

Further amend said bill, page 4, section 161.097, line 10, by striking "that meets" and inserting in lieu thereof, the following: "**defined in section 173.205**"; and further amend said section by striking line 11.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 862**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which were referred **SB 852** and **SB 913**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 485**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, Senator McKenna submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which were referred **SB 771** and **SB 687**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 698**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1010**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1998 and ending June 30, 1999.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1011**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1998 and ending June 30, 1999.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1012**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees established by the General Assembly, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1998 and ending June 30, 1999.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1094, 1213, 1311 and 1428**, entitled:

An Act to repeal sections 334.738, 334.741 and 334.742, RSMo 1994, and sections 329.265, 334.735, 334.736, 334.740, 334.749, 339.710, 339.720, 339.730, 339.740, 339.770, 339.780, 339.800, 339.810, 339.820 and 339.830, RSMo Supp. 1997, relating to regulation and licensing of certain professionals, and to enact in lieu thereof twenty new sections relating to the same subject, with an effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1315**, entitled:

An Act relating to insurance coverage for cancer early detection.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1601, 1591, 1592, 1479 and 1615**, entitled:

An Act to repeal sections 337.010, 337.025 and 337.033, RSMo 1994, and sections 329.140, 337.020, 337.029 and 337.045, RSMo Supp. 1997, relating to the regulation of certain professions, and to enact in lieu thereof twenty-four new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1240**, entitled:

An Act to repeal section 311.554, RSMo 1994, relating to Missouri wine, and to enact in lieu thereof six new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 32**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 37(e) of article III of the Constitution of Missouri relating to powers of the legislature by adding thereto two new sections relating to the issuance of bonds for water pollution control.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1354, regarding Isabel Stoecklein, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1355, regarding Bradley Joseph (Brad) Fullbright, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 1356, regarding Kirk Davis, Gladstone, which was adopted.

Senator Lybyer offered Senate Resolution No. 1357, regarding the Ninetieth Birthday of Raymond L. Hollis, Vienna, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Childers introduced to the Senate, Dean and Sophina Dunn, Patty Turner, Judith Haefeker, Jennifer Beasley, Lynn Chamberlain, Dorlisa Rogers, and twenty-one eighth grade students from Kirbyville School, Kirbyville.

Senator McKenna introduced to the Senate, Amby, Sarah and Skyler McDonald, Hillsboro; and Sarah and Skyler were made honorary pages.

Senator House introduced to the Senate, Mary Groeper, and fourth grade students from Wright City Elementary School, Wright City.

Senator Singleton introduced to the Senate, Shandie Reed and Delbert McGuirk, Joplin.

Senator Bentley introduced to the Senate, Cameron and Susan Christy and Matt Luce, Springfield.

On motion of Senator Quick, the Senate adjourned until 10:30 a.m., Tuesday, March 17, 1998.

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-NINTH DAY--TUESDAY, MARCH 17, 1998

The Senate met pursuant to adjournment.

Senator Jacob in the Chair.

On motion of Senator Jacob, the Senate adjourned until 4:00 p.m., Monday, March 23, 1998.

Journal of the Senate

SECOND REGULAR SESSION

FORTIETH DAY--MONDAY, MARCH 23, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we are thankful for those who would rather build than tear down; encourage rather than criticize; for those who would act and not just react. We are thankful for those who would have something good to say about their neighbor; for those who can see the good in those around them. We are thankful for those who give us a good feeling by just being around us. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 12, 1998, and Tuesday, March 17, 1998, were read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Mathewson--1

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1358, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Glen (Billy) Jones, Clinton, which was adopted.

Senator Singleton offered Senate Resolution No. 1359, regarding Patricia P. Baker, A.C.H., Sarcoxie, which was adopted.

Senator Singleton offered Senate Resolution No. 1360, regarding Missouri Home Education Week, which was adopted.

Senator Maxwell offered Senate Resolution No. 1361, regarding Nancy Lewis, Melinda Griesbaum, Diane Addison and Lori Brownell-Wagner, which was adopted.

Senator Klarich offered Senate Resolution No. 1362, regarding Shelley Paul Westerhold, which was adopted.

Senator Klarich offered Senate Resolution No. 1363, regarding Karen Giesler, which was adopted.

Senator Klarich offered Senate Resolution No. 1364, regarding Nancy Bonn-Winkler, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1365, regarding Virginia M. Holtmeyer, Jefferson City, which was adopted.

Senator Mueller offered Senate Resolution No. 1366, regarding Rachael Ramey, Debra West, Monica Ruda, Susan Swiney, Kay Alvis, Pam Dudley, Christine Steik and Sara Lee Hart, which was adopted.

Senator Maxwell offered Senate Resolution No. 1367, regarding Brian Maenner, Centralia, which was adopted.

Senator Graves offered Senate Resolution No. 1368, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Marshall Ward, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 1369, regarding the Ninetieth Birthday of Mr. Quentin Goolsby, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 1370, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Thomas Price, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1371, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Vernon Trauernicht, Fairfax, which was adopted.

Senator Graves offered Senate Resolution No. 1372, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ray Douglass, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1373, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Wendell Veatch, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1374, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dale Oliver, Guilford, which was adopted.

Senator Graves offered Senate Resolution No. 1375, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Edgar Eldridge, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1376, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Bob Hagey, Burlington Junction, which was adopted.

Senator Graves offered Senate Resolution No. 1377, regarding the One Hundredth Birthday of Margaret Jane Neighbors, Unionville, which was adopted.

Senator Graves offered Senate Resolution No. 1378, regarding the Fiftieth Wedding Anniversary of Reverend and Mrs. Ralph Chandler, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1379, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Berl Williams, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1380, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William Linebaugh, Pickering, which was adopted.

Senator Graves offered Senate Resolution No. 1381, regarding the Ninetieth Birthday of Mrs. Iola Berry Pattonsburg, which was adopted.

Senator Graves offered Senate Resolution No. 1382, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dick Polley, Ridgeway, which was adopted.

Senator Graves offered Senate Resolution No. 1383, regarding Jacob Gutshall, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1384, regarding David L. Merrill, II, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1385, regarding Richard Vogel, Graham, which was adopted.

Senator Graves offered Senate Resolution No. 1386, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Hamp Long, Craig, which was adopted.

Senator Graves offered Senate Resolution No. 1387, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Randall Swan, King City, which was adopted.

Senator Graves offered Senate Resolution No. 1388, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Harold Salmons, Cosby, which was adopted.

Senator Graves offered Senate Resolution No. 1389, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clifford Abbott, Browning, which was adopted.

Senator Graves offered Senate Resolution No. 1390, regarding the Eightieth Birthday of Ruth Hollenbeck, Oregon, which was adopted.

Senator Graves offered Senate Resolution No. 1391, regarding Wayne Winstead, which was adopted.

Senator Graves offered Senate Resolution No. 1392, regarding the Eightieth Birthday of Eugene Conley, Clarksdale, which was adopted.

Senator Graves offered Senate Resolution No. 1393, regarding the Ninetieth Birthdays of Eugene and Ila Kagay, Amity, which was adopted.

Senator Graves offered Senate Resolution No. 1394, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wendell Street, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1395, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Melvin Gullick, New Cambria, which was adopted.

Senator Graves offered Senate Resolution No. 1396, regarding the Ninety-fifth Birthday of Jane Scheider, Union Star, which was adopted.

Senator Graves offered Senate Resolution No. 1397, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Stuart, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 1398, regarding the Thirty-fifth Wedding Anniversary of Mr. and Mrs. Carl Priest, Ridgeway, which was adopted.

Senator Graves offered Senate Resolution No. 1399, regarding the Eighty-fifth Birthday of Frances Burton, Norborne, which was adopted.

Senator Graves offered Senate Resolution No. 1400, regarding the Ninetieth Birthday of Mrs. Gertrude Lash, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 1401, regarding the Ninetieth Birthday of Ruby Burns Scott, Barnard, which was adopted.

Senator Schneider offered Senate Resolution No. 1402, regarding Mr. Tim Luebbert, St. Louis, which was adopted.

Senator Schneider offered Senate Resolution No. 1403, regarding Paul D. McDonald, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 1404, regarding Robert A. Bradley, Calverton Park, which was adopted.

Senator Schneider offered Senate Resolution No. 1405, regarding Alvernys "Al" Watson, Florissant, which was adopted.

Senator Singleton offered Senate Resolution No. 1406, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Marion D. Snow, Anderson, which was adopted.

Senator Flotron offered Senate Resolution No. 1407, regarding Jean Beel, Fran Crowley, Sue Heick and Diann Wichman, which was adopted.

Senator Flotron offered Senate Resolution No. 1408, regarding Matthew Bertran (Matt) Amick, Bridgeton, which was adopted.

Senator Flotron offered Senate Resolution No. 1409, regarding Mollie C. Rickey, Hazelwood, which was adopted.

Senator Flotron offered Senate Resolution No. 1410, regarding R. Ray Rohman, Hazelwood, which was adopted.

Senator Clay offered Senate Resolution No. 1411, regarding Bishop Bose Bradford, which was adopted.

Senator Staples offered Senate Resolution No. 1412, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Willard Payne, Van Buren, which was adopted.

Senator Staples offered Senate Resolution No. 1413, regarding Patricia Koppeis Burch, which was adopted.

Senator Staples offered Senate Resolution No. 1414, regarding T. J. Hill, Farmington, which was adopted.

Senator Wiggins, joined by the entire membership of the Senate, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1415

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the tragic airplane accident which affected members of the Greater Kansas City Skydiving Club on Saturday, March 21, 1998; and

WHEREAS, the Greater Kansas City Skydiving Club is well known in the metropolitan area and throughout the State of Missouri with the Club Headquarters at Independence Memorial Airport in Eastern Jackson County; and

WHEREAS, Skydiving is a precise and demanding sport requiring much of its participants and asking the best of its members; and

WHEREAS, Saturday was a beautiful, sunny day, representative of the first day of Spring when members of the club gathered to renew acquaintances, exchange stories about winter activities, welcome a new class of student divers to the club and plan Spring and Summer activities; and

WHEREAS, numerous flights and jumps were made from the various altitudes during the course of Saturday's beautiful afternoon; and

WHEREAS, at approximately 5:30 P.M., one of the Club's own airplanes took off carrying the pilot and five skydivers to a late afternoon rendezvous in the sky which turned tragic; and

WHEREAS, at approximately 5:52 P.M., the pilot radioed that he was experiencing an electrical problem, smoke was seen, and the plane crashed while attempting an emergency landing at nearby Grain Valley Airport, taking the lives of all six on board; and

WHEREAS, the six members of the club who died were Dave Snyder, the pilot, and four longtime, veteran skydivers, Kenny Lee Buckley, John Schuman, Marion Rudder, Eric Rueff and Julie Douglas, the newest member of the group; and

WHEREAS, our colleague, the Senator from the 10th District, Senator Harry Wiggins, is not only a certified member of the Greater Kansas City

Skydiving Club, but spent Saturday afternoon with the members of the club, preparing for Spring and Summer activities, and departed only minutes before the fatal crash, returning shortly thereafter to assist his remaining friends in the aftermath of a great tragedy;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to express profound sorrow for the tragedy which has befallen the Greater Kansas City Skydiving Club, to express shock and sincere sympathy at the deaths of Dave Snyder, Kenney Lee Buckley, John Schuman, Marion Rudder, Eric Rueff, and Julie Douglas, and further extend their concerns and everlasting condolences to their families and friends and to all the members of the club; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Greater Kansas City Skydiving Club, Ron Sharp, Casey Quarry and the families of Dave Snyder, Kenney Lee Buckley, John Schuman, Marion Rudder, Eric Rueff, and Julie Douglas.

THIRD READING OF SENATE BILLS

SB 898, introduced by Senator Maxwell, entitled:

An Act to repeal sections 320.300, 320.302, 320.305 and 320.307, RSMo 1994, relating to fire protection districts, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Maxwell, **SB 898** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Maxwell	McKenna	Quick
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28
NAYS--Senator Rohrbach--1			
Absent--Senators			
Banks	Curls	Mueller	Schneider--4
Absent with leave--Senator Mathewson--1			

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 917, introduced by Senator Caskey, entitled:

An Act to repeal section 65.230, RSMo 1994, and section 50.660, RSMo Supp. 1997, relating to county administration, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 917** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers

Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Howard--1		
	Absent--Senators		
Curls	Schneider--2		
	Absent with leave--Senator Mathewson--1		

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 819, introduced by Senator Caskey, entitled:

An Act to repeal section 56.067, RSMo 1994, and sections 50.333, 56.066 and 56.265, RSMo Supp. 1997, relating to county prosecuting attorneys, and to enact in lieu thereof four new sections relating to the same subject, with an effective date.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 819** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Schneider--1		
	Absent with leave--Senator Mathewson--1		

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

SB 766, introduced by Senator Maxwell, entitled:

An Act to repeal section 558.019, RSMo 1994, relating to sentencing, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Maxwell, **SB 766** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Flotron	Schneider--2		
Absent with leave--Senator Mathewson--1			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Mathewson--1			

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

SB 695, with **SCA 1**, introduced by Senator Kinder, entitled:

An Act to authorize the board of regents of Southeast Missouri State University to convey certain property of Southeast Missouri State University in Cape Girardeau County Missouri, to the city of Cape Girardeau.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Kinder, **SB 695**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senator Mathewson--1			

The President Pro Tem declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Banks moved that **SB 754**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 754**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 754

An Act to repeal section 334.010, RSMo 1994, and to enact in lieu thereof three new sections relating to the provision of certain medical services.

Was taken up.

Senator Banks moved that **SCS** for **SB 754** be adopted.

Senator Banks offered **SS** for **SCS** for **SB 754**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 754

An Act to repeal section 334.010, RSMo 1994, and to enact in lieu thereof three new sections relating to the provision

of certain medical services.

Senator Banks moved that **SS** for **SCS** for **SB 754** be adopted.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 1, Section 334.010, Line 4, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell assumed the Chair.

Senator Caskey offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 3, Section 354.546, Line 25, by inserting immediately after said line the following:

"Section 1. Any pharmacy located in Missouri that can fill prescriptions for a price and co-pay equal to or less than that accepted by a mail order pharmacy may fill any such ninety day prescriptions."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 2** was withdrawn.

Senator Rohrbach offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 3, Line 25, by adding after line 25, page 3, the following:

"Section 1. The second opinions required in sections 354.207 and 354.546 shall be covered only in the event that the original diagnosis requires major surgery or other treatment necessitating general anesthesia or other serious illness involving loss of bodily part or function or other debilitating disease.".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Sims offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 3, Section 354.546, Lines 20-25, by removing all of said lines.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 754, Page 3, Section 354.546, Line 25, by inserting immediately after said line the following:

"Section 1. Any pharmacy located in Missouri that can fill prescriptions for a price and co-pay equal to or less than that accepted by a mail order pharmacy may fill any such ninety day prescriptions falling under schedule III, IV and V."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

Senator Flotron raised the point of order that **SA 5** is out of order in that the amendment goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Caskey, **SA 5** was withdrawn, rendering the point of order moot.

Senator Banks moved that **SS** for **SCS** for **SB 754**, as amended, be adopted, which motion prevailed.

On motion of Senator Banks, **SS** for **SCS** for **SB 754**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 12, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen M. Mahfood, 7311 North Shore Road, Hartsburg, Boone County, Missouri 65039, as a member of the Midwest Interstate Low-Level Radioactive Waste Commission, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, David Shorr, resigned. Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 12, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen M. Mahfood, 7311 North Shore Road, Hartsburg, Boone County, Missouri 65039, as a member of the Low-Level Radioactive Waste Compact Advisory Committee, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; RSMo. 260.725. Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 12, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen M. Mahfood, 7311 North Shore Road, Hartsburg, Boone County, Missouri 65039, as a member of the Interstate Mining Commission, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; RSMo. 444.410. Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 12, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Quentin C. Wilson, 2313 Cherry Ridge Court, Columbia, Boone County, Missouri 65203, as a member of the Multistate Tax Commission, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Janette M. Lohman, resigned. Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 12, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael A. Wolff, 77 Aberdeen Place, St. Louis, St. Louis County, Missouri 63105, as a member of the Consolidated Health Care Plan Board of Trustees, for a term ending January 1, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term. Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 12, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Douglas W. Burnett, 21875 South Mount Pleasant Road, Hartsburg, Boone County, Missouri 65039, as a member of the Consolidated Health Care Plan Board of Trustees, for a term ending January 1, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term. Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 12, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Peter Tucker Ewell, 2524 Balsam Drive, Boulder, Colorado 80304, as a member of the Truman State University Board of Governors, for a term ending January 1, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 16, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Elaine F. Spielbusch, Democrat, 804 West 72nd Street, Kansas City, Jackson County, Missouri 64114, as a member of the Missouri Ethics Commission, for a term ending March 15, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1010**--Appropriations.

HCS for **HB 1011**--Appropriations.

HCS for **HB 1012**--Appropriations.

BILL REFERRALS

President Pro Tem McKenna referred **SCS** for **SB 584** to the Committee on State Budget Control.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 1416, regarding Galen "Dean" Clymer, Joplin, which was adopted.

Senator Singleton offered Senate Resolution No. 1417, regarding Charles "Chuck" Young, Mount Vernon, Texas, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1418, regarding Keith A. Smith, O'Fallon, which was adopted.

COMMUNICATIONS

President Pro Tem McKenna submitted the following:

March 23, 1998

Ms. Terry Spieler,
Secretary of Senate
Rm. 325, State Capitol
Jefferson City, MO 65101

Dear Ms. Spieler;

I have appointed the following members to serve with a like Committee from the House as the Executive Committee for the annual meeting of the Southern Legislative Conference of the Council of State Governments to be hosted by Missouri in 1999 in Kansas City:

Senators:

Quick, Chairman

Banks, Vice-chairman

Curts

DePasco

Howard

Wiggins

Bentley

Kenney

Westfall

The President Pro Tem will serve as honorary co-chair and the Minority Floor Leader will serve as honorary co-vice-chair.

A subcommittee composed of Senators Quick (chair), Banks, DePasco, Bentley, and Kenney will serve as the steering committee to plan the conference. Thank you.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Westfall introduced to the Senate, Linda Voris, Walnut Grove; and Debbie Cox, Ash Grove.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FORTY-FIRST DAY--TUESDAY, MARCH 24, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we would rather be the ones who show the way than the ones who must ask the direction. We would rather be the light of the world than the ones who curse the darkness. We would rather be doers of the word and not just hearers. We pray to be used, to have the opportunity to make things better. Forgive us when we become content to be onlookers in the game of life. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

PRIVILEGED MOTIONS

Senator Lybyer moved that the Senate conferees on **SCS** for **HCS** for **HB 1014**, as amended, be allowed to exceed the differences on **SA 2**, which motion prevailed.

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

THIRD READING OF SENATE BILLS

SB 733, introduced by Senator Johnson, entitled:

An Act to repeal sections 169.050, 169.054, 169.650, 169.655 and 169.670, RSMo Supp. 1997, and section 169.056 as enacted by senate bill no. 860, second regular session of the eighty-eighth general assembly, relating to teacher retirement, and to enact in lieu thereof five new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 733** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Russell	Scott
Sims	Singleton	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Banks	Quick	Schneider	Staples--4
Absent with leave--Senator Rohrbach--1			

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 841, introduced by Senator Caskey, entitled:

An Act to repeal section 50.1110, RSMo Supp. 1997, relating to certain county retirement systems, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 841** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Westfall	Westfall	Yeckel--32
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senator Rohrbach--1			

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SB 844, with **SCA 1**, introduced by Senator Klarich, entitled:

An Act to repeal sections 347.030, 347.153, 351.375 and 359.041, RSMo 1994, and section 358.470, RSMo Supp. 1997, relating to registration of certain business entities, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Klarich requested unanimous consent to change the word "deliver" to "delivery", which was granted.

Senator Klarich moved that **SCA 1** be adopted, which motion prevailed.

On motion of Senator Klarich, **SB 844**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Rohrbach--1			

The President Pro Tem declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

Senator Staples assumed the Chair.

SB 631, with **SCA 1**, introduced by Senator Bentley, entitled:

An Act to amend chapter 109, RSMo, by adding thereto one new section relating to public records.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Bentley, **SB 631**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Quick	Russell
Schneider	Scott	Sims	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
McKenna	Singleton--2		
Absent with leave--Senator Rohrbach--1			

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 894, introduced by Senator Sims, entitled:

An Act to amend chapter 327, RSMo, by adding thereto one new section relating to the practice of architecture.

Was called from the Consent Calendar and taken up.

On motion of Senator Sims, **SB 894** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 541** and **SB 822**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Wiggins assumed the Chair.

SCS for **SBs 541** and **822**, as amended, was again taken up.

Senator Mueller offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for Senate Bills Nos. 541 and 822, Page 2, Section 307.366, Line 44, by inserting immediately after said line the following:

"(8) Any motor vehicle sold or transferred that at the time of such sale or transfer, has any unexpired official form, sticker or other device to evidence that such motor vehicle's emissions control system was inspected and approved."

Senator Mueller moved that the above amendment be adopted.

Senator Goode offered **SA 1** to **SA 9**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Committee Substitute for Senate Bills Nos. 541 and 822, Page 1, Line 6 of said amendment, by inserting immediately after "approved" the following: **"; provided that for any vehicle exempted pursuant to this subdivision, the purchaser may return the vehicle if the vehicle fails, upon the next required inspection, to meet the emissions standards specified by the commission and the seller shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days, and provided that the seller of any vehicle exempted pursuant to this subdivision shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle if the vehicle fails, upon the next required inspection, to meet the emissions standards specified by the commission and to have the seller repair the vehicle and provide an emissions certificate and sticker within five working days or enter into any mutually acceptable agreement with the seller"**.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

SA 9, as amended, was again taken up.

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for Senate Bills Nos. 541 and 822, Page 4, Section 307.366, Line 123, by inserting immediately after said line the following:

"416.605. As used in sections 416.600 to 416.640, the following words and phrases mean:

- (1) "Affiliate", any person who, other than by means of franchise, is controlled by, or is under common control with, any other person, whether through stock ownership or otherwise;
- (2) "Cost", is the sum of:
 - (a) a. If the motor fuel is not purchased from an affiliate, the lowest invoice cost that the seller charged to the purchaser for motor fuel of like grade and quality within three days prior to the date of any alleged unlawful resale by the purchaser, less trade discounts, allowances or rebates which the purchaser receives on the particular invoice or transfer; or
 - b. If motor fuel is purchased or received from an affiliate, the lowest transfer price that the affiliate charged to the purchaser or receiver for motor fuel of like grade and quality within three days prior to the date of any alleged unlawful resale by the purchaser or receiver, less trade discounts, allowances, or rebates which the purchaser receives on the particular invoice or transfer; plus
 - (b) The cost of doing business; plus
 - (c) Freight charges and all applicable federal, state and local taxes not already included in the invoice cost or transfer price;
- (3) "Cost of doing business", all costs incurred in the operation of the business for fair market rental value, licenses, taxes, utilities, insurance and nonmanagerial labor;
- (4) "Motor fuel", gasoline, **including reformulated gasoline**, diesel fuel, gasohol and all other fuels of a type designated for use as a motor fuel in self-propelled vehicles designated primarily for use on public streets, roads and highways;
- (5) "Person", any individual, firm, partnership, corporation, association or other entity;
- (6) "Retailer", any person engaged in the sale of motor fuel to the public at retail;
- (7) "Retail sale", any sale of motor fuel to the public for consumption;
- (8) "Sale", any transfer, gift, sale, offer for sale, or advertisement for sale in any manner or by any means, including any transfer of motor fuel by a person to himself or his affiliate;
- (9) "Sell", any act of making a sale or offer for sale;
- (10) "Transfer price", the price used by a person in transferring motor fuel to itself or an affiliate for resale at another marketing level."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for Senate Bills Nos. 541 and 822, Page 16, Section 643.210, Line 3, by adding after said line the following:

"Section 1. The governor, the department of natural resources, and the commission shall work to ensure an orderly transition period in the nonattainment area for the introduction of reformulated gasoline. Priority shall be given to ensure the petroleum manufacturers ample time to organize, structure, and implement both the production and the delivery of reformulated gasoline to the nonattainment area, so that consumers will see an orderly, seamless market substitution."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Banks offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for Senate Bills Nos. 541 and 822, Page 9, Section 643.310, Line 139, by inserting after the word "facility" the following: **", and such facilities may include any or all testing components allowed pursuant to section 307.366, RSMo, or sections 643.300 to 643.355 and inspection and approval at any such facility shall constitute inspection and approval pursuant to sections 643.300 to 643.355"**.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for Senate Bills Nos. 541 and 822, Page 6, Section 643.310, Line 28 of said section, by removing the opening bracket "[" on line 28 of said section; and

Further amend said section and page, by removing the closing bracket "]" on line 39 of said section.

Senator Flotron moved that the above amendment be adopted.

At the request of Senator Flotron, **SA 13** was withdrawn.

The President announced that photographers from the Senate had been given permission to take pictures in the Senate Chamber today.

Senator Klarich offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for Senate Bills Nos. 541 and 822, Page 16, Line 46, by inserting immediately after said line:

"9. There shall be an agricultural exemption from the implementation of reformulated gasoline (RFG) where a distributor has a bulk plant located in the non-attainment area and services agricultural businesses outside said non-attainment area subject to reformulated gasoline."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Committee Substitute for Senate Bills Nos. 541 and 822, Page 2, Section 307.366, Line 38, by striking

the words "succeeding registration which is" and inserting in lieu thereof the words "**two succeeding [registration] registrations which [is] are**".

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Committee Substitute for Senate Bills Nos. 541 and 822, Page 11, Section 643.315, Line 69, by striking the word "without" and inserting in lieu thereof the following: "**with**"; and

Further amend said bill, page 13, section 643.335, line 20, by inserting immediately after the word "done" the following: "**; or**

(3) An estimate signed by a repair technician certified by the commission that the costs for repair work exceed the waiver amounts as prescribed in this section;

(4) In the event a vehicle is certified pursuant to subdivision (3) of this subsection, the owner of said vehicle shall be eligible to pay into the "Polluting Automobile Retirement Credit Fund", hereinafter referred to as "parc", which is established in the state treasury, the waiver amounts established in this section and the vehicle shall receive a waiver from the commission as established herein. All monies going into the parc fund shall be used by the commission and the department for the voluntary retirement of high volume polluting vehicles. The fund shall be eligible to accept donations by private sources, with the amount of said contributions being eligible for receipt of credits as established as follows."; and

Further amend said bill, page 16, section 643.210, line 3, by inserting immediately after said line the following:

"Section 1. 1. The legislature hereby finds and declares as follows:

(1) Emission reduction programs based on market principles have the potential to provide equivalent or superior environmental benefits when compared to existing controls at a lower cost to the citizens of Missouri than traditional emission control requirements;

(2) Studies have demonstrated that a small percentage of vehicles contribute disproportionately to the on-road emissions inventory. Programs to reduce or eliminate these excess emissions can significantly contribute to the attainment of the state's air quality goals;

(3) Programs to accelerate vehicle turnover can enhance the effectiveness of the state's new motor vehicle standards by bringing more low-emission vehicles into the on-road fleet earlier;

(4) A program for achieving those and more emission reductions should be based on the following principles:

(a) The first two years should include a thorough assessment of the costs and short-term and long-term emission reduction benefits of the program, compared with other emission reduction programs for vehicles, which shall be reflected in a report and recommendations by the commission to the governor and the legislature on strategies and funding needs for meeting the emission reduction requirements of the State implementation plan for the years 1999 to 2010, inclusive;

(b) The program should first contribute to the achievement of the emission reductions required by the inspection and maintenance program and the State implementation plan, and should permit the use of mobile source emission reduction credits for other purposes currently authorized by the commission. Remaining credits may be used to achieve other emission reductions, including those required by the State implementation plan, in a manner consistent with market-based strategies. Emission credits shall not be used to offset emission standards or other requirements for new vehicles, except as authorized by the commission;

(c) Participation by the vehicle owner shall be entirely voluntary and the program design should be sensitive to the concerns of car collectors and to consumers for whom older vehicles provide affordable transportation;

(d) The program design shall provide for real, surplus and quantifiable emission reductions, based on an evaluation of the purchased vehicles, taking into account factors that include per-mile emissions, annual miles driven, remaining useful life of retired vehicles and emissions of the typical or average replacement vehicle, as determined by the commission. The program shall ensure that there is no double counting of emission credits among the various vehicle removal programs;

(e) The program should specify the emission reductions required and then utilize the market to ensure that these reductions are obtained at the lowest cost;

(f) The program should be privately operated to the greatest degree feasible. It should utilize the experience and expertise gained from past and currently operating programs in the various states. Existing entities and programs in other states shall be fully utilized for purposes of implementing this section;

(g) The program should be designed insofar as possible to eliminate any benefit to any participants from vehicle tampering and other forms of cheating. To the extent that tampering and other forms of cheating might be advantageous, the program design shall include provisions for monitoring the occurrence of tampering and other forms of cheating;

(h) Emission credits should be expressed in pounds or other units, and their value should be set by the marketplace. Any contract between a public entity and a private party for the purchase of emission credits should be based on a price per pound which reflects the market value of the credit at its time of purchase.

2. Not later than December 31, 1998, the commission shall adopt, by regulation, a statewide program entitled "The Polluting Automobile Retirement Credit Program", which shall be known as "Parc", to commence in 1999, that does all of the following:

(1) Provides for the creation, exchange, use and retirement of vehicle mobile source emission reduction credits. The credits shall be fungible and exchangeable in the marketplace, and shall reflect the actual emissions of the vehicles that are retired or otherwise disposed of, by measurement, appropriate sampling, or correlations developed from appropriate sampling. The numerical value of credits may be constant over a defined lifetime, or may decline with age measured from the time of origination of the credits. In all cases, the numerical value of the credits shall reflect the useful life expectancies and the projected in-use emissions of the retired vehicles in a manner consistent with the assumptions used in determining the emissions inventory. The credits shall be fully recognized by the United States Environmental Protection Agency and the commission;

(2) Sets out the criteria for retiring or otherwise disposing of high-emitting vehicles purchased for this program;

(3) Authorizes the issuance of those credits to private entities that purchase or contribute towards the retirement of high-emitting vehicles;

(4) Authorizes the resale of those credits to public or private entities to be used to achieve the emission reduction requirements of the state implementation plan, meet the requirements of the inspection and maintenance program, satisfy compliance with other emission reduction mandates, as determined by the commission and the general assembly, create local growth allowances, or satisfy new or modified source emission offset requirements;

(5) Provides for the retirement of those credits when used;

(6) Includes accounting procedures to credit emissions reductions achieved through vehicle scrappage to the state implementation plan and the inspection and maintenance program.

3. (1) The commission, the department of natural resources, and the general assembly shall harmonize the requirements and implementation of this program with the motor vehicle inspection program and other

programs as provided by or authorized under the revised statutes of Missouri.

(2) Insofar as practicable, these programs shall be seamless to the participants and the public.

4. Notwithstanding any other provision of law, the program shall also do all of the following:

(1) Enable the resale of impounded vehicles into the retirement program, consistent with the acceptance criteria of this program;

(2) Authorize the department of revenue, at the request of persons engaged in the purchase and retirement of vehicles under the program, to send notices to vehicle owners who are candidates for the sale of vehicles under the program describing the opportunity to participate in the program;

(3) Allow the issuance of nonrevivable junk certificates for vehicles retired under the program, which shall allow program vehicles to be scrapped only for parts, except as provided by law.

5. (1) Any regulations adopted pursuant to chapter 536, RSMo, shall include a plan to guide the execution of the first two years of the program, to assess the results, and to formulate recommendations. Any emission credits assigned to vehicles shall be adjusted as necessary to ensure that those credits are consistent with and reflect the amount of mobile source pollution produced by the vehicle in question. The plan shall include a baseline study, for the geographical area or areas representative of those to be targeted by this program, of the current population of vehicles by model year and market value and the current turnover rate of vehicles, and other factors that may be essential to assessing program effectiveness, cost-effectiveness and market impacts of the program.

(2) At the end of each of the two calendar years after the adoption of the program plan, the commission, in consultation with the department, shall adopt and publish a progress report evaluating each year of the program. These reports shall address, at a minimum, the following topics:

(a) The number of vehicles scrapped or repaired by model year;

(b) The measured emissions of the scrapped or repaired vehicles tested during the report period, using suitable inspection and maintenance test procedures;

(c) Costs of the vehicles in terms of amounts paid to sellers, the costs of repair and the cost-effectiveness of scrappage and repair expressed in dollars per ton of emissions reduced;

(d) Administrative and testing costs for the program;

(e) Assessments of the replacement vehicles or replacement travel by model year or emission levels, as determined from interviews, questionnaires, diaries, analyses of vehicle registrations in the study region or other methods as appropriate;

(f) Assessments of the net emission benefits of scrapping in the year reported, considering the scrapped vehicles, the replacement vehicles, the effectiveness of repair and other effects of the program on the mix of vehicles and use of vehicles in the geographical area of the program, including in-migration of other vehicles into the area and any tendencies to increased market value of used vehicles and prolonged useful life of existing vehicles, if any;

(g) The report shall evaluate the overall performance of the program, including its cost-effectiveness in terms of dollars per ton of credited or reduced emissions, description of the methods and procedures to assure that the emission reductions are real, surplus and quantifiable, the extent of the market for eligible vehicles, a recommendation for an appropriate allocation of expenditures between removal or repair of vehicles that reflects the relative cost-effectiveness of the options, and any other recommendation for improving the effectiveness of these programs.

6. The commission shall develop standards for the certification and use of emission reduction credits to ensure that the credits are real, surplus and quantifiable after accounting for program uncertainties. Emission reductions achieved from eligible vehicles shall be quantified as follows:

(1) Vehicle emissions shall be based on either direct testing, statistical sampling or emission modeling methods. Sampling of a statistically significant portion of the vehicles may be used to estimate emission benefits or to develop and validate correlations for use in estimating emission benefits;

(2) A reasonably reliable mechanism shall be applied to estimate vehicle miles traveled and the remaining useful life of each purchased vehicle. The odometer reading shall be matched on each purchased vehicle with the records of the department of revenue to verify driving history, or statistical data shall be used to estimate vehicle use;

(3) An annual survey shall be performed of a statistically meaningful number of participants to determine replacement vehicle and post-participation behavior and also to determine the extent, if any, of in-migration of low-cost vehicles due to price increases in the scrapping market area resulting from the program."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

President Pro Tem McKenna assumed the Chair.

Senator Goode requested that **SA 16** be divided; asking that a vote first be taken on the portion of the amendment dealing with pages 11 and 13 of the bill and that a second vote be taken on the portion of the amendment dealing with page 16, which request was granted.

Senator Flotron moved that Part 1 of **SA 16** be adopted, which motion failed.

Senator Flotron moved that Part 2 of **SA 16** be adopted, which motion failed.

Senator Goode moved that **SCS** for **SBs 541** and **822**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **SBs 541** and **822**, as amended, was declared perfected and ordered printed.

BILL REFERRALS

President Pro Tem McKenna referred **SB 922**, with **SCS**, to the Committee on State Budget Control.

RESOLUTIONS

Senator DePasco offered Senate Resolution No. 1419, regarding Dennis Dawayne Perdue, Kansas City, which was adopted.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

THIRD READING OF SENATE BILLS

SB 888, introduced by Senator Wiggins, entitled:

An Act to repeal section 144.014, RSMo Supp. 1997, relating to the sales tax rate on certain items, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Wiggins, **SB 888** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
Flotron	Goode	Graves	Howard
Johnson	Kenney	Kinder	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Westfall	Wiggins--24
NAYS--Senators--None			
Absent--Senators			
Bentley	Curls	DePasco	Ehlmann
House	Jacob	Klarich	Schneider
Scott	Yeckel--10		
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

SB 861, with **SCA 1**, introduced by Senator Johnson, entitled:

An Act to repeal section 238.240, RSMo Supp. 1997, relating to transportation development districts, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Johnson, **SB 861**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Curls--1			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Flotron moved that motion lay on the table, which motion prevailed.

SB 908, introduced by Senator Flotron, entitled:

An Act to amend chapter 536, RSMo, by adding thereto one new section relating to remedies for hardship caused by new or changed interpretations of law by executive branch administrative agencies.

Was called from the Consent Calendar and taken up.

On motion of Senator Flotron, **SB 908** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Clay	Schneider	Staples--3	
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

SB 746, introduced by Senator Wiggins, entitled:

An Act to repeal section 143.751, RSMo 1994, relating to taxation, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Wiggins, **SB 746** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder

Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--33

NAYS--Senators--None

Absent--Senator Clay--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

SB 925, introduced by Senator Scott, entitled:

An Act to repeal section 87.371, RSMo Supp. 1997, relating to the firefighter's retirement system of the City of St. Louis, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 925** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott

Sims
Yeckel--33

Staples

Westfall

Wiggins

NAYS--Senators--None
Absent--Senator Singleton--1
Absent with leave--Senators--None

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SJR 24**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SJR 24**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE JOINT RESOLUTION NO. 24

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 37(e) of article III of the Constitution of Missouri relating to powers of the legislature by adding thereto three new sections relating to the issuance of bonds for water pollution and stormwater control.

Was taken up.

Senator Maxwell moved that **SCS** for **SJR 24** be adopted.

Senator Quick offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Joint Resolution No. 24, Page 8, Section 37(h), Line 82, by striking the word "may" and inserting in lieu thereof the word "**shall**"; and

Further amend said bill, Page 8, Section 37(h), Line 90, by striking the word "may" and inserting in lieu thereof the word "**shall**".

Senator Quick moved that the above amendment be adopted, which motion failed.

Senator Maxwell moved that **SCS** for **SJR 24** be adopted, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **SJR 24** was declared perfected and ordered printed.

Senator Goode moved that **SB 620**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SS** for **SB 620**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 620

An Act to amend chapter 8, RSMo, by adding thereto eleven new sections relating to the procurement of services for state construction projects, with a termination date.

Senator Goode moved that **SS** for **SB 620** be adopted.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 620, Page 10, at the end by adding one new section as follows:

"327.395. 1. Any person or corporation that enters into a design/build contract for public or private construction shall be exempt from the requirement that such person be licensed or such corporation be authorized by the board as long as the architectural, engineering or land surveying services to be performed under the contract are performed by persons who are duly licensed in this state and who are not employees of the design/build contractor, or provided such services are performed by corporations that hold current certificates of authority from the board for the appropriate profession.

2. Any design/build contractor who performs the design work itself, or who practices architecture, professional engineering or professional land surveying through his, her or its own employees, or who contracts to do so, must hold a current license or certificate of authority from the board for the professions so practiced.

3. Nothing in this chapter shall prohibit the enforcement of a design/build contract by an unlicensed or unauthorized person or entity who merely furnishes, but does not itself, or through its employees, perform the architectural, engineering or surveying required by the contract and who does not hold itself out as able to perform such services."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 620, Page 5, Section 8.887, Line 23, by inserting after the word "requirements" on said line the words: **"including any available ratings"**.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 620, Page 4, Section 8.881, Line 2, by inserting at the end of said line the following:

"Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the

validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act.".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SS** for **SB 620**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SS** for **SB 620**, as amended, was declared perfected and ordered printed.

Senator House moved that **SB 781**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 781**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 781

An Act to repeal sections 160.538, 162.081 and 168.221, RSMo 1994, and sections 163.011 and 166.275, RSMo Supp. 1997, relating to education, and to enact in lieu thereof seventeen new sections relating to the same subject.

Was taken up.

Senator House moved that **SCS** for **SB 781** be adopted.

President Pro Tem McKenna assumed the Chair.

Senator Caskey offered **SS** for **SCS** for **SB 781**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 781

An Act to repeal sections 162.081, 162.571, 162.581, 162.601, 162.621 and 168.221, RSMo 1994, and sections 163.011 and 163.031, RSMo Supp. 1997, relating to education, and to enact in lieu thereof fourteen new sections relating to the same subject with a contingent effective date for certain sections.

Senator Caskey moved that **SS** for **SCS** for **SB 781** be adopted.

At the request of Senator House, **SB 781**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Curls moved that **SB 800** be taken up for perfection, which motion prevailed.

On motion of Senator Curls, **SB 800** was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SB 940, introduced by Senator Maxwell, entitled:

An Act to repeal sections 338.250 and 338.330, RSMo 1994, relating to the regulation of pharmacies, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Maxwell, **SB 940** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SB 941, introduced by Senator Banks, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to eligibility for public assistance.

Was called from the Consent Calendar and taken up.

On motion of Senator Banks, **SB 941** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Schneider	Scott	Sims
Staples	Wiggins	Yeckel--31	
NAYS--Senators			
Singleton	Westfall--2		
Absent--Senator Russell--1			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SB 900, introduced by Senators Schneider and Howard, entitled:

An Act to repeal sections 536.017 and 536.024, RSMo Supp. 1997, relating to administrative rules, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Schneider.

On motion of Senator Schneider, **SB 900** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

SB 961, introduced by Senator Howard, entitled:

An Act to repeal section 210.109, RSMo Supp. 1997, relating to the child protection system established by the division of family services, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Howard, **SB 961** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None
Absent--Senator Staples--1
Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Flotron moved that motion lay on the table, which motion prevailed.

SB 963, with **SCA 1**, introduced by Senator Flotron, entitled:

An Act to repeal section 197.313, RSMo Supp. 1997, relating to care facility licensure, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

On motion of Senator Flotron, **SB 963**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Singleton--1		
	Absent--Senators		
Clay	Goode	Staples--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

SB 928, introduced by Senators House and Ehlmann, entitled:

An Act to authorize the conveyance of state property to the city of St. Peters.

Was called from the Consent Calendar and taken up by Senator House.

On motion of Senator House, **SB 928** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Clay	McKenna	Staples--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Rohrbach moved that motion lay on the table, which motion prevailed.

SB 884, introduced by Senator Rohrbach, entitled:

An Act to repeal section 175.020, RSMo 1994, relating to the student curator to the board of curators of Lincoln University, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Rohrbach, **SB 884** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Clay	McKenna	Staples--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House conferees on **SCS** for **HCS** for **HB 1014**, as amended, are allowed to exceed the differences on Section 14.045 to insert clarifying language in that section.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SCS** for **SB 754**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 1420, regarding the Excelsior Springs Job Corps Center, which was adopted.

Senator Quick offered Senate Resolution No. 1421, regarding Thomas H. Van Hoozer, III, Kansas City, which was adopted.

COMMUNICATIONS

Senator Caskey submitted the following:

TO: Members of the Individual Caucuses

FROM: Harold L. Caskey

Chairman, Ethics Committee

DATE: March 23, 1998

RE: Caucus Membership

The Ethics Committee, after due consideration, recognizes the following caucuses: St. Louis Metro Caucus, St. Louis Metro Democratic Caucus, St. Louis Metro Republican Caucus, St. Louis City Caucus, St. Louis County Caucus, St. Louis County Democratic Caucus, St. Louis County Republican Caucus, Kansas City Caucus, Jackson County Democratic Caucus, Urban Caucus, Rural Caucus, Attorney Caucus and Womens Caucus. Members of the Senate whose districts are contained within the above city or county or who are attorneys or women may withdraw from any caucus listed above by giving notice to me as chairman of the Committee on Ethics.

/s/ Harold L. Caskey /s/ John Scott

Chair Vice-Chair

/s/ Ed Quick /s/ John D. Schneider

/s/ Harry Wiggins /s/ Franc Flotron

/s/ John T. Russell Marvin Singleton

/s/ Morris Westfall

INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, Lana Krause and her children, Grace Anne, Samuel Wilks and Margaret Jean, Kansas City; and Lisa Mattie and her son Michael Peter, Columbia; and the children were made honorary pages.

Senator Childers introduced to the Senate, Peggy Emerson, Kylie Oaks and Melissa Soper, Reeds Spring.

Senator Caskey introduced to the Senate, Joni Shelton and Diane Hudson, Centerview; and Cliff Head, Centralia.

Senator Kinder introduced to the Senate, Jennifer Nolen and Autumn Gilmore, Chaffee.

Senator Graves introduced to the Senate, Tamra Clark and Mary Jones, Chillicothe.

Senator Jacob introduced to the Senate, Laurannah J. Haynes, Huntsville.

Senator Johnson introduced to the Senate, Donna Kothe, King City; Nancy Potter, Bolckow; and April Sonnet, Fillmore.

Senator Clay introduced to the Senate, Harold Brewster and Lois Jean Turner, St. Louis.

Senator Quick introduced to the Senate, Cathy Burks, Bernie Rhodes, Harlan Hassen, Bob Burks, Bunny Stanton, Terri Messina and members of Girl Scout Troop 320, Liberty; and Lisa Burks, Kelsey Graber, Chelsea Rhodes, Danielle Messina, Michelle Waters, Mary Quinn, Laryssa Stanton, Lauren Grampp, Lauren Perren, Abby Scott and Katie Hassen were made honorary pages.

Senator Westfall introduced to the Senate, Whitney Scott and Renee Meents, Lockwood.

Senator Ehlmann introduced to the Senate, Jeff Marton, Kim Carter and Ron Helms, St. Charles County.

Senator Howard introduced to the Senate, Leasa Kowalski, Portageville; Ross McFerron and Donna Brown, Advance; Bridget Wiseman and Regina Rainen, Zalma; and Katie McGuire, Campbell.

Senator Graves introduced to the Senate, Gayla Spencer and fourth grade students from Brookfield.

Senator Childers introduced to the Senate, Mrs. Becky Head, Mrs. Myra McGee, Rachel McGee and Bruce Burnett, Purdy and Monett.

On behalf of Senator Staples, the President introduced to the Senate, John Mark Brewer, Suzanne Childress, and Linda Gers, Eminence.

Senator Singleton introduced to the Senate, Joshua Trout and Julia Holloway, McDonald County.

On behalf of Senator Wiggins and himself, Senator Kenney introduced to the Senate, Nancy Bruns and twenty members of the Raytown Chamber of Commerce.

Senator Maxwell introduced to the Senate, Lynette Stewart, Vandalia.

Senator Staples introduced to the Senate, Roger Koontz and fourth grade students from Alton Elementary School.

On behalf of Senator Bentley and himself, Senator Singleton introduced to the Senate, Melinda and Jennifer Burton, Joplin; and Brennan, Courtney and Morgan Becker and Emily L Maples, Springfield.

Senator Russell introduced to the Senate, Carolyn and Josh Thompson, and Girl Scouts from Marshfield; and Heather Caldwell, Nicki Thompson, Josh Thompson, Stacy Replogle and Becky Tackett were made honorary pages.

Senator Graves introduced to the Senate, Cherie Thomas, Amanda Salmond, Thomas Lindsay, Emily Salmond, Brett Wennihan and Melody Riggins, Tarkio.

On behalf of Senator Caskey, the President introduced to the Senate, Ede Coleman, Karmann Nelson, Donna Mitsdarffer, Georgia Olsen, Ina Northcraft, Joan Filterling, Evelyn Bodenhamer, Catherine Shumate, Vivian Turnbow, Betty Smith and Mary Ann Dillingham, Warrensburg.

Senator Rohrbach introduced to the Senate, Tanner Bechtel, Joe Litwiller, Mary Howell and Steven Cowen, Boonville.

Senator Schneider introduced to the Senate, students from St. Angela Merici School, St. Louis; and Kyle Goepel, Tricia Happe, Matt Lundberg and Stephanie Hoffman were made honorary pages.

Senator Kinder introduced to the Senate, thirty-

four seventh and eighth grade students from Altenburg Public School, Altenburg; and Jacob Bachmann, Jonathan Lorenz, Jon Miesner and John Steffens were made honorary pages.

Senator Graves introduced to the Senate, twenty parents and students from Mennonite School, Jamesport.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FORTY-SECOND DAY--WEDNESDAY, MARCH 25, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, when Solomon became King after the death of his father, David, he prayed for wisdom and an understanding heart. We ask for those virtues today. We pray for wisdom that we may know what choices to make. We pray for an understanding heart that we may know how best to communicate with others. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 1422, regarding Shirley M. Spencer, Jefferson City, which was adopted.

Senators Rohrbach, Westfall and Russell offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1423

WHEREAS, the members of the Missouri Senate solemnly pause to recognize the life and lifetime achievements of an extraordinary Missourian, Dorris Gene Hammond, who departed this life on March 9, 1998; and

WHEREAS, Gene Hammond came into this world north of Quincy, Missouri, on July 21, 1926, as the precious infant son of proud and loving parents Hezekiah Valentine (Kie) Hammond and Jewel Bernard Hammond; and

WHEREAS, Gene Hammond was raised in the Quincy community where he attended Cross Lane Grade School and graduated from Weaubleau High School in 1944; and

WHEREAS, in April of 1945, Gene Hammond joined the United States Army where he first gave his heart to the Lord and was saved; was discharged from the Army in May of 1946; returned to farming that December; and went on to attend Reish Auction School in Mason City, Iowa, conducting sales for more than fifty years; and

WHEREAS, on July 16, 1948, Gene Hammond took the hand of his beloved, Freda May Penny, a wonderful woman with whom he was elected to the Weaubleau Township Republican Committee first in 1950 for ten years, then again in 1988; and

WHEREAS, a livestock farmer, Gene Hammond distinguished himself through many years of dedicated employment as a salesman for Benson Chevrolet of Humansville and Crafton Chevrolet of Osceola for five years; as the operator of the APCO Service Station and Cafe; and as the Weaubleau Postmaster until his retirement in 1986; and

WHEREAS, Gene Hammond was extremely proud of his affiliation with the Weaubleau Lions Club, the Sightfirst program and eye tissue bank, Little League Baseball, Weaubleau Prairie Housing, the School Board, and the MFA Oil Board; and

WHEREAS, preceded in death by his father Kie, his grandparents, and three aunts and two uncles, Gene Hammond leaves behind his devoted wife of forty-nine years, Freda; his three sons, Marlin Hammond of Lincoln, Missouri, Clifton Hammond of Springfield, Missouri, and Tony Hammond of Arlington, Virginia; his daughter-in-law, Barbara Hammond; his two grandchildren, Tracy Glenn and Kelly Gene Hammond; his brother and sister-in-law, Keet and June Hammond of Carthage, Missouri; his mother, Jewel Hammond of Bolivar, Missouri; his aunt, Zelma Walker of Lee's Summit, Missouri; and a host of nieces, nephews, cousins, and friends:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, unanimously join in paying final tribute to Gene Hammond, a wonderful son, loving husband, proud father, caring grandfather, and exemplary citizen who will be sadly missed by all those who had the distinct pleasure of knowing and loving him; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the family of the late Dorris Gene Hammond, as an expression of our deepest sympathy.

CONCURRENT RESOLUTIONS

Senator Howard offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 37

WHEREAS, the elderly population in the state is growing at a significant and unprecedented rate; and

WHEREAS, the increasing elderly population in the state will place unprecedented demands upon the state's health delivery system; and

WHEREAS, the federal government's approach to state mandates and entitlements regarding medicare and medicaid funding for the elderly is changing; and

WHEREAS, the health care industry has evolved into a new era of managed care, provider networks, home health care, and alternative methods for the delivery of services; and

WHEREAS, the elderly expect that their needs will be provided in an environment that allows greater flexibility through a "continuum of care"; and

WHEREAS, elderly citizens could benefit from "one stop shopping" where they can receive the required government assistance through a single government office; and

WHEREAS, an in-depth study and evaluation must be made of the alternatives and strategies available for the delivery of services to the growing elderly population in Missouri;

NOW THEREFORE BE IT RESOLVED that the members of the Senate, Eighty-ninth General Assembly, the House of Representatives concurring therein, hereby establish the "Joint Interim Committee on Aging" to be composed of fifteen members. The members shall consist of three state senators appointed by the President pro tem of the Senate representing each political party, three state representatives appointed by the Speaker of the House of Representatives representing each of the major political parties, the Lieutenant Governor, the chairman of the Missouri Health Facilities Review Committee or his designee, the Director of the Department of Social Services or his designee, and two citizen members appointed

by the Governor who are knowledgeable about the health care needs of the elderly; and

BE IT FURTHER RESOLVED that the President pro tem of the Senate and the Speaker of the House of Representatives shall each appoint two individuals that will represent organizations that provide care specifically for the elderly in Missouri; and

BE IT FURTHER RESOLVED that the President pro tem of the Senate and the Speaker of the House of Representatives shall appoint the members of the committee by June 1, 1998, and such committee shall meet within ten days of its establishment and organize by selecting a chairman and vice-chairman, one of whom shall be a member of the Senate and the other a member of the House of Representatives; and

BE IT FURTHER RESOLVED that the committee may solicit any input and information necessary to fulfill its obligations from the Department of Social Services and representatives of citizen groups formed to address issues regarding Missouri's elderly population; and

BE IT FURTHER RESOLVED that the Governor's Advisory Council on Aging supports the concept of an interim committee on aging as established by the General Assembly, and furthermore, the Council agrees to be available to advise and assist the Joint Interim Committee on Aging with this initiative however possible, and shall be prepared to provide representation on the committee; and

BE IT FURTHER RESOLVED that the committee shall make an in-depth study and evaluation of the alternatives and strategies for the delivery of state services to the growing aging population in Missouri; and

BE IT FURTHER RESOLVED that the committee shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Governor and General Assembly by January 5, 1999; and

BE IT FURTHER RESOLVED that the Department of Social Services shall be responsible for paying out of funds appropriated for such purposes the actual and necessary expenses of the committee, the costs of any outside consultants necessary for the committee to complete its study, and the expenses of the committee's non-legislative members and non-legislative staff personnel assigned to the committee incurred in attending meetings of the committee. The expenses of legislative members and legislative staff shall be paid from the Joint Contingent Fund. The expenses of committee members from the executive branch shall be paid from the funds of their respective departments; and

BE IT FURTHER RESOLVED that the staff of Senate Research and House Research and the Committee on Legislative Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to be delivered to the Governor and the Director of the Department of Social Services.

REPORTS OF STANDING COMMITTEES

Senator Wiggins requested unanimous consent of the Senate to suspend the rules for the purpose of reporting in a Senate Consent bill, which request was granted.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 524**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SB 922**, with **SCS**; **SB 641**; **SS** for **SCS** for **SBs 583** and **645**; and **SCS** for **SB 584**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 818**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 948**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 981**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

THIRD READING OF SENATE BILLS

SB 922, with **SCS**, introduced by Senator House, entitled:

An Act to repeal sections 288.126 and 288.150, RSMo 1994, and sections 288.090, 288.130 and 288.160, RSMo Supp. 1997, relating to employment security, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 922**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 922

An Act to repeal sections 288.126, 288.150 and 288.290, RSMo 1994, and sections 288.090, 288.130 and 288.160, RSMo Supp. 1997, relating to employment security, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions and an effective date.

Was taken up.

Senator House moved that **SCS** for **SB 922** be adopted, which motion prevailed.

On motion of Senator House, **SCS** for **SB 922** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Clay	Curls--2		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

SB 918, introduced by Senator Howard, et al, entitled:

An Act to repeal sections 630.520 and 630.530, RSMo 1994, relating to lease of land.

Was called from the Consent Calendar and taken up.

On motion of Senator Howard, **SB 918** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 945, introduced by Senator Howard, entitled:

An Act to repeal section 263.527, RSMo Supp. 1997, relating to cotton growers referendum, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Howard, **SB 945** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

SB 947, introduced by Senator Bentley, entitled:

An Act to repeal sections 162.471 and 162.481, RSMo 1994, relating to school boards, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Bentley, **SB 947** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Howard--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 927, with **SCA 1**, introduced by Senator Bentley, entitled:

An Act to repeal section 135.200, RSMo Supp. 1997, relating to revenue producing enterprises for enterprise zones, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Bentley, **SB 927**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

SB 790, with **SCS**, introduced by Senator Westfall, entitled:

An Act to amend chapter 332, RSMo, relating to dentists by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 790**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 790

An Act to amend chapter 332, RSMo, by adding thereto one new section relating to dentists.

Was taken up.

Senator Westfall moved that **SCS** for **SB 790** be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **SB 790** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			

Bentley
Staples--2
Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SB 897, with **SCS**, introduced by Senator Johnson, entitled:

An Act to repeal section 172.020, RSMo 1994, relating to the university of Missouri and its ability to sell agricultural products, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 897**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 897

An Act to repeal section 172.020, RSMo 1994, relating to the university of Missouri and its ability to sell agricultural products, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Johnson moved that **SCS** for **SB 897** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **SB 897** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None
Absent--Senator Quick--1
Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Singleton moved that motion lay on the table, which motion prevailed.

SB 610, introduced by Senator Singleton, and **SB 835**, introduced by Senator Johnson, with **SCS**, entitled respectively:

An Act to repeal sections 323.020 and 323.060, RSMo 1994, relating to liquefied petroleum gases, and to enact in lieu thereof two new sections relating to the same subject.

An Act to repeal sections 323.020 and 323.060, RSMo 1994, relating to liquefied petroleum gases, and to enact in lieu thereof two new sections relating to the same subject.

Were called from the Consent Calendar and taken up by Senator Singleton.

SCS for **SBs 610** and **835**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 610 and 835

An Act to repeal sections 323.020 and 323.060, RSMo 1994, relating to liquefied petroleum gases, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Singleton moved that **SCS** for **SBs 610** and **835** be adopted, which motion prevailed.

On motion of Senator Singleton, **SCS** for **SBs 610** and **835** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Clay--1			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

SB 970, introduced by Senator Maxwell, entitled:

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to the department of agriculture.

Was called from the Consent Calendar and taken up.

On motion of Senator Maxwell, **SB 970** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
McKenna	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

NAYS--Senators

Lybyer	Mueller	Rohrbach--3
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Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1014**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1014**.

CONFERENCE COMMITTEE REPORTS

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1014**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL NO. 1014

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1014, as amended, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1014, as amended, and that the House recede from its position on House Committee Substitute for House Bill No. 1014, and the Conference Committee Substitute for House Bill No. 1014, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer /s/ Dick Franklin

/s/ Harry Wiggins /s/ Timothy Green

/s/ Wayne Goode /s/ Scott B. Lakin

/s/ John T. Russell /s/ Ken Legan

/s/ Marvin Singleton /s/ Bonnie Sue Cooper

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Lybyer, **CCS** for **HB 1014**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1014

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1998.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SS for **SB 518**, introduced by Senator Graves, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 518

An Act to repeal section 307.365, RSMo 1994, and sections 307.350 and 307.366, RSMo Supp. 1997, relating to inspections of motor vehicles, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Informal Calendar and taken up.

On motion of Senator Graves, **SS** for **SB 518** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
Curls	DePasco	Flotron	Graves
House	Howard	Jacob	Johnson
Kenney	Lybyer	Mathewson	Maxwell
McKenna	Rohrbach	Russell	Scott
Sims	Singleton	Wiggins	Yeckel--24
	NAYS--Senators		
Banks	Ehlmann	Goode	Kinder
Klarich	Mueller	Quick	Schneider
Staples	Westfall--10		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Graves, title to the bill was agreed to.

Senator Graves moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 641, introduced by Senator House, entitled:

An Act to repeal section 173.260, RSMo 1994, relating to the survivor grant program, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator House, **SB 641** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Goode	Graves
House	Jacob	Johnson	Kinder
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Russell	Scott
Staples	Westfall	Wiggins--23	

	NAYS--Senators		
Childers	Flotron	Howard	Kenney
Klarich	Rohrbach	Schneider	Sims
Singleton	Yeckel--10		
	Absent--Senator Banks--1		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SBs 583** and **645**, introduced by Senator Maxwell, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 583 and 645

An Act relating to the common language of the state.

Was taken up.

Senator Wiggins assumed the Chair.

On motion of Senator Maxwell, **SS** for **SCS** for **SBs 583** and **645** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Quick
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--28
	NAYS--Senators		
Clay	Mueller	Rohrbach--3	
	Absent--Senators		
Banks	Johnson	Staples--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS** for **SB 620**; **SCS** for **SBs 541** and **822**; **SCS** for **SJR 24**; and **SB 800**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HCS for **HBs 1094, 1213, 1311** and **1428**--Corrections and General Laws.

HB 1240--Corrections and General Laws.

HS for **HCS** for **HBs 1601, 1591, 1592, 1479** and **1615**--Corrections and General Laws.

HCS for **HB 1620**--Agriculture, Conservation, Parks and Tourism.

HJR 32--Appropriations.

BILL REFERRALS

President Pro Tem McKenna referred **SCS** for **SJR 24** and **SCS** for **SBs 541** and **822** to the Committee on State Budget Control.

RESOLUTIONS

Senator Staples offered Senate Resolution No. 1424, regarding Phi Theta Kappa's All-Missouri Academic Team, which was adopted.

Senator Johnson offered Senate Resolution No. 1425, regarding Jo DeShon, St. Joseph, which was adopted.

Senator Johnson offered Senate Resolution No. 1426, regarding Marilyn Dedrickson, St. Joseph, which was adopted.

Senator Johnson offered Senate Resolution No. 1427, regarding Marie Puett, St. Joseph, which was adopted.

On motion of Senator Quick, the Senate adjourned until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 1428, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Willard Stout, Joplin, which was adopted.

Senator Jacob offered Senate Resolution No. 1429, regarding Robert O. Watson, Renick, which was adopted.

Senator Graves offered Senate Resolution No. 1430, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ray Douglas, Chillicothe, which was adopted.

Senator Howard offered Senate Resolution No. 1431, regarding Pat Ingle, sixth grade teacher at Malden Elementary School, which was adopted.

Senator Howard offered Senate Resolution No. 1432, regarding Karen House, kindergarten teacher at Malden Elementary School, which was adopted.

Senator Howard offered Senate Resolution No. 1433, regarding Connie Hampton, physical education teacher at Malden Elementary School, which was adopted.

Senator Howard offered Senate Resolution No. 1434, regarding Vicki Hammack, reading recovery teacher at Malden Elementary School, which was adopted.

Senator Howard offered Senate Resolution No. 1435, regarding Linda Joslin, first grade teacher at Malden Elementary School, which was adopted.

Senator Howard offered Senate Resolution No. 1436, regarding Sue Shaw, elementary counselor at Malden Elementary School, which was adopted.

Senator Howard offered Senate Resolution No. 1437, regarding Iris Yersak, gifted students teacher at Malden Elementary School, which was adopted.

Senator Howard offered Senate Resolution No. 1438, regarding Connie Cox, retired teacher at Malden Elementary School, which was adopted.

Senator Howard offered Senate Resolution No. 1439, regarding Barbara Console, librarian at Malden Elementary School, which was adopted.

Senator Howard offered Senate Resolution No. 1440, regarding Jan Huckeby, fourth grade teacher at Malden Elementary School, which was adopted.

Senator Howard offered Senate Resolution No. 1441, regarding Zeta Xi chapter of Beta Sigma Phi, which was adopted.

Senator Howard offered Senate Resolution No. 1442, regarding Theta Rho chapter of Beta Sigma Phi, which was adopted.

Senator Howard offered Senate Resolution No. 1443, regarding the Adelphian Civic Club, which was adopted.

Senator Howard offered Senate Resolution No. 1444, regarding Aaron Winberry, Poplar Bluff, which was adopted.

Senator Howard offered Senate Resolution No. 1445, regarding Paul Bridges, Silva, which was adopted.

Senator Howard offered Senate Resolution No. 1446, regarding Charles Burton, Bloomfield, which was adopted.

Senator Howard offered Senate Resolution No. 1447, regarding the Xi Delta Pi chapter of Beta Sigma Phi, which was adopted.

Senator Howard offered Senate Resolution No. 1448, regarding the Kennett Jaycees, which was adopted.

Senator Curls offered Senate Resolution No. 1449, regarding John P. Cole, Kansas City, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 922**, entitled:

An Act to repeal sections 272.010, 272.020, 272.030, 272.040, 272.050, 272.060, 272.070, 272.080, 272.090, 272.100, 272.110, 272.120, 272.130, 272.150, 272.160, 272.170, 272.180, 272.190, 272.200, 272.210, 272.220, 272.230,

272.235, 272.240, 272.250, 272.260, 272.270, 272.280, 272.290, 272.300, 272.310, 272.320, 272.330, 272.340, 272.350, 272.360 and 272.370, RSMo 1994, relating to fences, and to enact in lieu thereof nine new sections relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1167**, entitled:

An Act relating to assaults in correctional institutions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1412**, entitled:

An Act to repeal sections 103.005 and 103.036, RSMo 1994, and sections 103.003 and 103.008, RSMo Supp. 1997, relating to health plans for state employees, and to enact in lieu thereof seven new sections relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1197**, entitled:

An Act to repeal section 143.805, RSMo 1994, and to enact in lieu thereof seven new sections for the purpose of establishing the family development account program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1095**, entitled:

An Act to repeal sections 610.010, 610.015, 610.020, 610.022, 610.023, 610.026, 610.027, 610.029, 610.030, 610.105 and 610.125, RSMo 1994, and sections 610.021, 610.100 and 610.200, RSMo Supp. 1997, relating to governmental meetings and records, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

THIRD READING OF SENATE BILLS

SCS for **SB 584**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 584An Act to repeal sections 287.610 and 287.615, RSMo 1994, and section 286.005, RSMo Supp. 1997, relating to the department of labor and industrial relations, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up by Senator Schneider.

Senator Wiggins assumed the Chair.

On motion of Senator Schneider, **SCS for SB 584** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
Curls	Ehlmann	Flotron	House
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Schneider
Scott	Sims	Staples	Wiggins
Yeckel--25			

NAYS--Senators

Banks	DePasco	Goode	Graves
Howard	Mueller	Russell	Singleton
Westfall--9			

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

President Pro Tem McKenna assumed the Chair.

SS for SCS for SB 754, introduced by Senator Banks, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 754

An Act to amend chapter 354, RSMo, by adding thereto three new sections relating to the provision of certain medical services.

Was taken up.

On motion of Senator Banks, **SS** for **SCS** for **SB 754** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators		
Flotron	Mueller--2		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

At the request of Senator Schneider, **SB 471**, with **SCS**, was placed on the Informal Calendar.

Senator Maxwell moved that **SB 767**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 767**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 767

An Act to repeal sections 41.435, 42.105 and 173.215, RSMo 1994, and sections 173.239 and 313.835, RSMo Supp. 1997, and to enact in lieu thereof eight new sections relating to the disposition of revenue in the gaming commission fund, with penalty provisions.

Was taken up.

Senator Maxwell moved that **SCS** for **SB 767** be adopted.

Senator Maxwell offered **SS** for **SCS** for **SB 767**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 767

An Act to repeal sections 41.435, 42.105 and 173.215, RSMo 1994, and sections 173.239 and 313.835, RSMo Supp. 1997, and to enact in lieu thereof eight new sections for the purpose of the distribution of moneys from the gaming commission fund, with penalty provisions.

Senator Maxwell moved that **SS** for **SCS** for **SB 767** be adopted.

Senator Johnson assumed the Chair.

Senator Kenney offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 767, Page 15, Section 313.835, Line 11 from the top of said page, by deleting the word "eighty" and inserting in lieu thereof the word "**sixty**"; and

Further amend said bill, page 16, section 313.835, line 15 from top of said page, by inserting immediately after the period "." the following:

"No less than twenty percent of the funds deposited in the early childhood education fund shall annually be appropriated to the department of social services to provide child care certificates to parents as authorized pursuant to 42 U.S.C. 9858c (c)(2)(A)(i)(II), as amended."

Senator Kenney moved that the above amendment be adopted.

Senator Jacob offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 767, Page 1, Section 41.214, Line 10 of said page, by striking the following: "and section 313.835"; and

Further amend said bill, page 15, section 313.835, lines 2-25 of said page, by striking all of said lines; and

Further amend said bill and section, page 16, lines 1-20 of said page, by striking all of said lines and inserting in lieu thereof the following:

"(b) All remaining net proceeds in the gaming commission fund shall be transferred to a "General Education Fund" which is hereby created. Any moneys deposited in this fund shall be used to support activities that prepare children from birth through college, subject to appropriations. All interest received in the general education fund shall be credited to the general education fund. Notwithstanding the provisions of section 33.080, RSMo, moneys in the general education fund at the end of any biennium shall not be transferred to the credit of the general revenue fund."

Senator Jacob moved that the above substitute amendment be adopted.

Senator Wiggins assumed the Chair.

Senator Jacob offered **SA 1** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 767, Page 1, Section 313.835, Line 4, by striking the number "25" and inserting in lieu thereof the following "4"; and

Further amend said amendment and section, line 5, by inserting immediately before said line the following:

"Further amend said bill and section, page 15, line 5 of said page, by striking the words "(c) all remaining net proceeds in the gaming commission fund" and inserting in lieu thereof the following:

"(b) Three million dollars per year for the five years following the effective date of this section."; and

Further amend said amendment and section and page, line 5, by striking the words "lines 1-20" and inserting in lieu thereof the following "lines 10-20"; and further amend said amendment, section and page, line 8, by striking the subdivision: "(b)" and inserting in lieu thereof the following: **"programmatic accounting.**

(c)".

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Maxwell, **SB 767**, with **SCS**, **SS** for **SCS**, **SA 1**, **SSA 1** for **SA 1** and **SA 1** to **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

SB 731, SB 714, SB 715, SB 513, SB 691, SB 857, SB 887, SB 516, SB 667, SB 491, SB 654, SB 590 and **SB 873**, with **SCS**, were placed on the Informal Calendar.

Senator McKenna moved that **SB 614, SB 696, SB 906, SB 530, SB 912** and **SB 914**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 614, 696, 906, 530, 912**, and **914**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 614, 696, 906, 530, 912 and 914

An Act to repeal sections 138.430, 196.790, 426.220, 426.230, 476.682, 478.265, 478.266, 478.267, 478.320, 478.437, 534.350, 534.360 and 535.110, RSMo 1994, and sections 105.464, 479.500, 487.020, 488.012, 488.015, 514.040, 534.380 and 535.030, RSMo Supp. 1997, and to enact in lieu thereof twenty-four new sections relating to the judiciary.

Was taken up.

Senator McKenna moved that **SCS** for **SBs 614, 696, 906, 530, 912** and **914** be adopted.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 614, 696, 906, 530, 912 and 914, Page 9, Section 478.437, Line 17, by inserting immediately after said section the following:

"478.464. 1. In the sixteenth judicial circuit, associate circuit divisions shall hereafter be numbered beginning with the number 25:

(1) Division 101 shall hereafter be division 25;

(2) Division 102 shall hereafter be division 26;

- (3) Division 103 shall hereafter be division 27;
- (4) Division 104 shall hereafter be division 28;
- (5) Division 105 shall hereafter be division 29;
- (6) Division 106 shall hereafter be division 30;
- (7) Division 107 shall hereafter be division 31; and
- (8) Division 108 shall hereafter be division 32.

2. [Twelve months after construction of two new courtrooms in Independence is completed,] **On and after August 28, 1998**, there shall be one additional associate circuit judge in the sixteenth judicial circuit, to [be known as] **sit in** division 33. [The presiding judge of such circuit shall certify to the state of administration office the actual date of completion of said construction.]

3. Divisions 25, 26, 27, 29, and 31 shall sit in Kansas City and divisions 28, 30, 32, and 33 shall sit in Independence."; and

Further amend the title and enacting clause of said bill accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 614, 696, 906, 530, 912 and 914, Page 18, Section 535.110, Line 7, by inserting immediately after said line the following:

"600.101. At least two public defenders shall be reassigned to offices in the fortieth judicial circuit provided that each county in such circuit fund, on the basis of population, its pro rata share of the costs of office space and utility services."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 614, 696, 906, 530, 912 and 914, Page 4, Section 476.682, Line 6, by inserting immediately after the word "service." on said line the following: **"Notwithstanding the foregoing, no senior judge shall receive less daily compensation than an amount, that when added to the daily amount of annual compensation payable to sections 476.450 to 476.595, is less than one hundred percent of the current annual salary of the office from which the judge retired attributable to one day of service.";** and further amend said bill, page 6, section 478.265, line 15, by striking the words **"an associate"** on said line and inserting in lieu thereof the word **"a"**; and further amend said bill, section 478.267, page 7, line 10, by striking the brackets "[]" around the word **"a"** on said line, and striking the words **"an associate"** on said line.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator McKenna moved that **SCS** for **SBs 614, 696, 906, 530, 912 and 914**, as amended, be adopted, which motion prevailed.

On motion of Senator McKenna, **SCS** for **SBs 614, 696, 906, 530, 912 and 914**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1161**, entitled:

An Act to repeal sections 640.102, 640.115, 640.120, 640.125, 640.130, 644.101, 644.116 and 644.122, RSMo 1994, and section 640.100, RSMo Supp. 1997, relating to public drinking water, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1450, regarding Donna Gray, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1451, regarding Madeleine Forck, St. Louis, which was adopted.

Senators Goode and Schneider offered Senate Resolution No. 1452, regarding Ms. Louise Butler, which was adopted.

REPORTS OF STANDING COMMITTEES

On behalf of Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, Senator McKenna submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 748**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Banks, Chairman of the Committee on Public Health and Welfare, Senator McKenna submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 611**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 611, Page 2, Section 334.010, Line 22, by striking the word "When"; and

Further amend said bill, Page 2, Section 334.010, Line 24, by inserting immediately after the word "state" the following: "**or**

(3) Evaluating a patient or rendering an oral, written or otherwise documented medical opinion, or when providing testimony or records for the purpose of any civil or criminal action before any judicial or administrative proceeding of this state or other forum in this state".

INTRODUCTIONS OF GUESTS

Senator Clay introduced to the Senate, Leonard Jackson, Dorothy Walker, and students from Soldan-International Studies High School, St. Louis; and Harriett Williams, Brian Swope, Jihan Grady, Asueleni Deloney, Christa Brown, Mya Walker and Nkenge Mtendazi were made honorary pages.

Senator Childers introduced to the Senate, Dave and Beth Stefan, and their children Sashanna, Kaelee, Kelton, Dainec and Tawner, Kisse Mills; and Sashanna, Kaelee, Kelton, Dainec and Tawner were made honorary pages.

Senator Bentley introduced to the Senate, Yolanda Lorge and Judy Steppen-drake, Springfield.

Senator Caskey introduced to the Senate, his wife, Kay, Butler; and Rose Marie Falco, Sandy Katzer and Connie Hubbard, Belton.

Senator Mathewson introduced to the Senate, the Physician of the Day, Dr. A.J. Campbell and his wife, Janet, Sedalia.

Senator Sims introduced to the Senate, Allison and Audrey Gab, St. Louis; and Allison and Audrey were made honorary pages.

Senator Mathewson introduced to the Senate, Jim Page and students from State Fair Community College, Sedalia.

Senator Klarich introduced to the Senate, Phyllis, Richard, Nathan and Katie Steckel; Mark, Joyce, Stephen, Alyssa and Katelyn Devarenes; Bill Stewart; Michael Justin Overkamp; Tyler Wilson, Bob and Scott Heide; Carolyn and Tim Woodstock; Kathy, Jacob and Mike Edsel; Scott, Jenny, Chelsea and Justin Potter; and Cody Glenn, members and parents of Pack 811, Dens 5 and 8, Washington.

Senator Rohrbach introduced to the Senate, Coaches Mike Jeffries, Joe Schaefer, Travis Reinsch and Luke Mueller; and Luke Wilson, John Slicker, Paul Mengwasser, Joey Heet, Matt Beffa, Tony Brenneke, Ryan Lock, Aaron Schrimpf, Jeremy Loethen, Matt Rackers, Kyle Schrimpf, Jason Van Loo, Jacob Wadley and Tommy Kusick, members of the 1998 State Champion Helias Wrestling Team; and cheerleaders, Kristi Gratz, Elise Rackers, Melissa McDaniel, Daniell Doerhoff and Angie Bruce, Jefferson City.

Senator Klarich introduced to the Senate, Wayne, Debbie, Bev and Anna Cross, Ballwin.

On behalf of Senator Flotron, Senator Klarich introduced to the Senate, Jimmie, Patty, Kyle and Lucas Montaigne, St. Louis County.

Senator Jacob introduced to the Senate, Joan Snodgrass, Della Bell, Jill Hughes and Virginia Ehrhardt, Moberly.

Senator Rohrbach introduced to the Senate, Charles "Bud" Pryor and Bill Arment, Morgan County.

Senator Caskey introduced to the Senate, Dr. Shari Bax and nine students from Central Missouri State University, Warrensburg.

On behalf of Senators DePasco, Curls and himself, Senator Wiggins introduced to the Senate, Sally Rice, Loretta and Ralph P. Brunell, Margaret Olson, Jeanette Robinson, Leora Montgomery and Anthony Jordan, Kansas City.

Senator Howard introduced to the Senate, Mr. and Mrs. Larry Hixon, and Julie, Greenville; and Julie was made an honorary page.

Senator Jacob introduced to the Senate, Keith Spaulding, Norma Frink, Ann Schafer and Susan Donnelly, Fayette.

Senator Lybyer introduced to the Senate, Julia Cowell and Sally Streeter, New Bloomfield.

Senator Maxwell introduced to the Senate, John Sollars, and forty-three eighth and ninth grade students from Atlanta High School, Atlanta; and Sommer McQuay and Weston Gaughan were made honorary pages.

Senator Maxwell introduced to the Senate, Mr. Gosney, Ms. Barnard, and twenty-one ninth grade students from Marion

County R-II School, Marion County.

Senator Wiggins introduced to the Senate, Randa Rawlins, Carol Meunier, Luella Cooper, Tim Gibson and Catherine (Winn) Nguyen, Kansas City.

Senator Caskey introduced to the Senate, Jim Person, Belton.

Senators Scott and Schneider introduced to the Senate, Miss Hannigan, Mrs. Sue Brown, Jodi Wilkerson, Dianne Berns and eighth grade students from St. Raphael the Archangel School, St. Louis; and Peter Berns, Alex Green, Erin Long, Eric Pogue, Greg Westrich and Elizabeth Drennan were made honorary pages.

Senator Rohrbach introduced to the Senate, Merideth Todd, Jefferson City; and Misty Hollenbeck, Columbia.

Senator Rohrbach introduced to the Senate, Maurie Vermeersch, and Girl Scout Troop 492 from Trinity Lutheran School, Jefferson City; and Bethann Vossen, Ashley Vermeersch, Gretchen Ihms, Nichole Schroeder, Joy Ruenguert, Rachel Emling, Allison Hoerschgen and Ariel Vadner were made honorary pages.

Senator Rohrbach introduced to the Senate, Jim Casey, Jefferson City.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FORTY-THIRD DAY--THURSDAY, MARCH 26, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, in the Old Testament we read, "Man looks on the outward appearance, but the Lord looks on the heart." We do care what people say and think about us, but we are more concerned that the Lord approves of our actions. Be with us that what we do is a blessing to those around us. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 1453, regarding Herbert Lee McDonald, M.D., which was adopted.

Senator Curls offered Senate Resolution No. 1454, regarding Reverend Dr. Frank L. Selkirk, III, Kansas City, which was adopted.

BILL REFERRALS

President Pro Tem McKenna referred **SB 921**, with **SCS**, to the Committee on State Budget Control.

Senator Johnson assumed the Chair.

THIRD READING OF SENATE BILLS

SB 683, introduced by Senators Westfall and Childers, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to motor vehicle license plates.

Was called from the Consent Calendar and taken up by Senator Westfall.

On motion of Senator Westfall, **SB 683** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Klarich
Mathewson	Maxwell	McKenna	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Graves	Lybyer	Quick--3	
	Absent with leave--Senator Kinder--1		

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 604, with **SCS**, introduced by Senator Rohrbach, entitled:

An Act to repeal sections 142.230 and 142.584, RSMo 1994, relating to motor fuel tax refunds, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 604**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 604

An Act to repeal sections 142.230 and 142.584, RSMo 1994, relating to motor fuel tax refunds, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Rohrbach moved that **SCS** for **SB 604** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **SB 604** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Ehlmann--2		
	Absent with leave--Senator Kinder--1		

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 849, with **SCS**, introduced by Senator Caskey, entitled:

An Act to amend chapter 137, RSMo, by adding thereto eleven new sections relating to ad valorem taxation of freight line companies, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 849**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 849

An Act to amend chapter 137, RSMo, by adding thereto eleven new sections relating to ad valorem taxation of freight line companies, with penalty provisions.

Was taken up.

Senator Caskey moved that **SCS** for **SB 849** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 849** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		

Absent--Senator McKenna--1
Absent with leave--Senator Kinder--1

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 936, introduced by Senator Quick, entitled:

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to sales tax exemptions for certain newspaper equipment.

Was called from the Consent Calendar and taken up.

On motion of Senator Quick, **SB 936** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Klarich
Lybyer	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Graves	McKenna--2		
Absent with leave--Senators--None			
Excused from voting--Senator Kinder--1			

Under the provisions of Senate Rule 90, Senator Kinder was excused from voting.

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

Senator Quick announced that photographers from the Senate and KRCG-TV had been given permission to take pictures in the Senate Chamber today.

SB 743, with **SCA 1**, introduced by Senator Maxwell, entitled:

An Act to repeal sections 44.010, 44.020, 44.022, 44.024, 44.028, 44.032, 44.080, 44.090, 44.100, 44.110, 44.112 and

44.113, RSMo 1994, relating to the emergency management agency, and to enact in lieu thereof thirteen new sections for the purpose of changing the organizational structure of the agency.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Maxwell requested unanimous consent to change the numeral "40.010" to "44.010", which request was granted.

Senator Maxwell moved that **SCA 1** be adopted, which motion prevailed.

On motion of Senator Maxwell, **SB 743**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SBs 614, 696, 906, 530, 912** and **914**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **SBs 541** and **822** and **SCS** for **SJR 24**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Dawn E. Gaines and Judith Steffen-Drake, as members of the Advisory Commission for Clinical Perfusionists;

Also,

Russell E. Dayton and Yolanda Lorge, as public members of the Advisory Commission for Clinical Perfusionists;

Also,

Helen P. Gab, as public member of the State Committee of Psychologists;

Also,

Gregory D. Evans, as a member of the Well Installation Board;

Also,

Stuart S. Scroggs and Donald L. Hiatte, as members of the Missouri State Board of Architects, Professional Engineers and Land Surveyors;

Also,

Elaine F. Spielbusch, as a member of the Missouri Ethics Commission;

Also,

Jeffrey D. Cawlfeld, as a member of the Dam and Reservoir Safety Council.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Robert G. Schemenauer, as a member of the Public Service Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Rohrbach, joined by Senator Caskey, moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

President Pro Tem McKenna assumed the Chair.

Senator Quick announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

Senator House moved that **SB 781**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection.

SS for **SCS** for **SB 781** was again taken up.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 50, Section 165.122, Line 14 of said page, by inserting immediately after said line the following:

"166.275. 1. Any amount of the difference by which the total amount appropriated by the state to school districts, in accordance with a judgment or order based on the equal protection clause of the fourteenth amendment to the Constitution of the United States, for fiscal year 1999 is less than the amount appropriated for the same purpose in fiscal year 1994 in addition to any unexpended appropriation for the 1998 fiscal year that results in additional unobligated resources for the state in fiscal year 1999 shall be transferred to the state school moneys fund and distributed in the manner provided in section 163.031, RSMo.

2. If the total amount appropriated by the state to school districts, in accordance with a judgment or order based on the equal protection clause of the fourteenth amendment to the Constitution of the United States, for fiscal year [1996] 2000 or any subsequent fiscal year is less than the amount appropriated for the same purpose in fiscal year [1994] 1999, any amount of the difference, in addition to any unexpended appropriation for the prior fiscal year that results in additional unobligated resources for the state beginning in fiscal year [1997, necessary to fund the district entitlements under section 163.031, RSMo, with a district entitlement proration factor no less than one, shall be transferred to the state school moneys fund and distributed in the manner provided in section 163.031, RSMo] 2000 shall be distributed as follows:

(1) Up to the first seventy-five million dollars, or such lesser amount determined by appropriation to be sufficient to fully fund district entitlements pursuant to section 163.031, RSMo, with a proration factor no less than one, of such funds shall be transferred to the state school moneys fund and distributed in the manner provided in section 163.031, RSMo; and

(2) Beginning in fiscal year 2000, after distributing funds pursuant to subdivision (1) of this subsection, the next twenty-five million dollars, or such lesser amount determined optional by appropriation to be sufficient, of the remaining funds shall be transferred to fully fund increases in appropriations for transportation categorical aid provided pursuant to line 11 of subsection 6 of section 163.031, RSMo, and any remainder of such twenty-five million dollars shall be transferred to fund other categorical state aid provided pursuant to section 163.031, RSMo; and

(3) After distributing funds pursuant to subdivisions (1) and (2) of this subsection, up to the next twenty-five million dollars, or such lesser amount determined by appropriation to be sufficient to fully fund district entitlements pursuant to section 163.031, RSMo, with a proration factor no less than one, of such funds shall be transferred to the state school moneys fund and distributed in the manner provided in section 163.031, RSMo; and

(4) After distributing funds pursuant to subdivisions (1), (2) and (3) of this subsection, any remaining funds shall be transferred to fully fund categorical state aid provided pursuant to section 163.031, RSMo, for transportation, vocational education, special education, gifted education, remedial reading and implementation costs of assessments established pursuant to section 160.522, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Howard assumed the Chair.

President Pro Tem McKenna assumed the Chair.

At the request of Senator House, **SB 781**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Staples, Chairman of the Committee on Transportation, Senator McKenna submitted the following report:

Mr. President: Your Committee on Transportation, to which were referred **SB 582** and **SB 706**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 840**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1033**, entitled:

An Act to repeal sections 70.660 and 70.676, RSMo 1994, and section 70.675, RSMo Supp. 1997, relating to the Missouri local government employees' retirement system, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1794**, entitled:

An Act to repeal section 443.415, RSMo 1994, relating to mortgage insurance, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1508**, entitled:

An Act to repeal section 558.019, RSMo 1994, relating to prior and persistent offenders, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1300**, entitled:

An Act to repeal section 301.140, RSMo Supp. 1997, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 931**, entitled:

An Act to repeal section 542.301, RSMo 1994, relating to the disposition of evidence, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 898**, entitled:

An Act to repeal section 34.140, RSMo Supp. 1997, relating to certain state property, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1239**, entitled:

An Act to repeal section 595.209, RSMo Supp. 1997, relating to victims of crime, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1309**, entitled:

An Act to amend chapter 351, RSMo, relating to corporations by adding thereto one new section relating to the merger of a domestic corporation with a direct or indirect wholly owned subsidiary without an election of shareholders.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1566**, entitled:

An Act relating to drug dealer liability.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1299**, entitled:

An Act to repeal section 169.322, RSMo 1994, and sections 169.324, 169.326 and 169.328, RSMo Supp. 1997, relating to the public school retirement system in certain school districts, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1301**, entitled:

An Act to repeal sections 136.365 and 136.370, RSMo 1994, relating to taxation, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1097**, entitled:

An Act to repeal section 208.010, RSMo 1994, relating to public assistance benefits, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1599**, entitled:

An Act to repeal section 50.1100, RSMo 1994, and section 50.1110, RSMo Supp. 1997, relating to the county

employees' retirement system, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1683**, entitled:

An Act to repeal sections 162.955, 162.961 and 162.963, RSMo Supp. 1997, relating to alternative education placement hearings, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 968**, entitled:

An Act to repeal section 174.125, RSMo 1994, relating to certain teacher-training institutions, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1369**, entitled:

An Act to repeal section 260.819, RSMo Supp. 1997, relating to removal costs for oil spills, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1454**, entitled:

An Act to repeal sections 86.203, 86.288, 86.365 and 87.125, RSMo 1994, and section 86.253, RSMo Supp. 1997, relating to certain retirement systems in the city of St. Louis, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1088**, entitled:

An Act relating to blind and visually impaired students.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1569**, entitled:

An Act to repeal sections 351.165, 351.230, 351.327 and 351.596, RSMo 1994, and sections 351.017, 351.180 and 351.245, RSMo Supp. 1997, relating to corporations, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1588**, entitled:

An Act to repeal section 320.094, RSMo Supp. 1997, relating to the fire education trust fund, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1506**, entitled:

An Act relating to certain practices by telephone companies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1055**, entitled:

An Act relating solely to franchises and other agreements between motorcycle dealers and motorcycle manufacturers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1511**, entitled:

An Act to repeal section 301.010, RSMo Supp. 1997, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1092**, entitled:

An Act to repeal section 301.142, RSMo Supp. 1997, relating to physically disabled license plates and placards, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1763**, entitled:

An Act to repeal sections 169.050, 169.054, 169.056, 169.650, 169.655 and 169.670, RSMo Supp. 1997, relating to teacher retirement, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1162**, entitled:

An Act relating to the Jim Sears Leadership Scholarship.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1059**, entitled:

An Act to repeal section 408.233, RSMo 1994, and section 408.140, RSMo Supp. 1997, relating to credit transactions, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1707**, entitled:

An Act to repeal section 30.270, RSMo 1994, relating to the state treasurer, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1704**, entitled:

An Act to repeal section 172.020, RSMo 1994, relating to the university of Missouri and its ability to sell agricultural products, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1562**, entitled:

An Act to repeal section 43.260, RSMo 1994, relating to the highway patrol, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1120**, entitled:

An Act to repeal sections 105.454, 105.456, 105.458 and 105.462, RSMo 1994, relating to prohibited acts by certain public officers, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1226**, entitled:

An Act to repeal section 211.331, RSMo 1994, relating to detention facilities in counties of the first and second

classification, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1587**, entitled:

An Act to repeal section 67.1000, as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bill no. 3 of the second extraordinary session of the eighty-ninth general assembly and approved by the governor, relating to local tourism taxes of municipalities and other political subdivisions, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1374**, entitled:

An Act relating to notification to policyholders of loan interest due.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1037**, entitled:

An Act relating to certain farm and industrial equipment dealers and manufacturers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1052**, entitled:

An Act to repeal sections 32.105 and 31.111, RSMo Supp. 1997, and section 10 as enacted by senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and approved by the governor, relating to the workfare renovation project, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Wiggins assumed the Chair.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 1455, regarding John Robert Royse, Poplar Bluff, which was adopted.

Senator Bentley offered Senate Resolution No. 1456, regarding Lisa Reece, Angie Sears-McChesney and Anita Kissinger, Kickapoo, Springfield, which was adopted.

Senator Klarich offered Senate Resolution No. 1457, regarding Ted A. Greenhouse, Ballwin, which was adopted.

Senator Bentley offered Senate Resolution No. 1458, regarding the Springfield Public School District (R-XII), which was adopted.

Senator Caskey offered Senate Resolution No. 1459, regarding Sergeant Carl E. Robertson, USMC, which was adopted.

Senator Russell offered Senate Resolution No. 1460, regarding Charles Dickinson, Hartville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, Jay Dalton, St. Louis; who was made an honorary page.

Senator House introduced to the Senate, Jon Davis, and forty seventh grade students from Zion Lutheran School, St. Charles County.

Senator Mathewson introduced to the Senate, Anita Keltner, Jane Brittan, and twelve seventh and eighth grade students from Pettis County R-XII School, Sedalia.

Senator Flotron introduced to the Senate, Mary Anna Jackson, Leanna Jackson, and Lauren Walter, St. Louis; and Lauren was made an honorary page.

Senator Graves introduced to the Senate, Richard Fordyce, and a Farm Bureau Youth Leadership Day delegation from Harrison County.

Senator Mueller introduced to the Senate, Debbie Mehan and her children, Christopher, Meghan and Kimberly, St. Louis; and Christopher, Meghan and Kimberly were made honorary pages.

Senator Sims introduced to the Senate, Liz Swanson and Shirley Morris, Becky Thatcher Area Girl Scout Council, Hannibal; Cindy Weber, Jan Gresham and Karen Miller, Cotton Boll Scout Council, Sikeston; Cynthia Frank and Lindsey Godfrey, Dogwood Trails Girl Scout Council, Springfield; Theresa Loveless, Kathy Dabrowski, Michele Ryan and Merrily Goldsmith, Girl Scout Council of Greater St. Louis; Maryanne Danforth, Mary Roberts and Roberta Hanson, Heart of Missouri Girl Scout Council, Jefferson City; Karen McGuigan, Robbie Woodley and Mary Ellen Cubria, Mid-Continent Council of Girl Scouts, Kansas City; and Denise Stewart and Laura Hinkebein, Otahki Girl Scout Council, Cape Girardeau.

Senator Kinder introduced to the Senate, forty fourth grade students from Washington Elementary School, Cape Girardeau; and Ashley Blackburn, David Ray, Daniel Yingling and Kristen Narrow were made honorary pages.

Senator Westfall introduced to the Senate, Sarah Miller, Stockton; Miranda McCullick, El Dorado Springs; Sarah Holzer Van Dyk, Milo; and Ruth Ewing, Stockton.

Senator Mathewson introduced to the Senate, Donnie Cox, and a Farm Bureau Youth Leadership delegation from Caldwell County.

On behalf of Senator McKenna, the President introduced to the Senate, Mr. and Mrs. Robert Schemenauer, Jefferson

City.

Senator Schneider introduced to the Senate, David Pott, and students from Griffith Elementary School, St. Louis; and Thomas White, David Walters, Sinetria McCottrell and Katie Maddox were made honorary pages.

Senator Bentley introduced to the Senate, Karen Eagles, Springfield.

Senator Russell introduced to the Senate, Tara Engelhardt, Amanda Jackson, Becky Ray and Darcy Condren, Buffalo; Jamie Barber, Phillipsburg; and Dayle Nelson, Dallas County.

Senator Mathewson introduced to the Senate, Rich Cole, and three students from Lafayette County Alternative School, Lexington.

Senator Yeckel introduced to the Senate, Nancy Werkmeister, Ruth Lodewyck, and students from St. Catherine Laboure School, St. Louis County; and Rebecca Perez, Erin Greenman, Kevin Schroeder and Freddy Daues were made honorary pages.

Senator Westfall introduced to the Senate, Joe Edwards and Kevin Young, Halfway; Nathan Hubbard and Sarah Schneider, Fair Play; Heather Norman and Bethany Ayres, Humansville; and Shirley Wimsatt, Stockton.

Senator Caskey introduced to the Senate, Larry Descombes, Gary Layton, and twenty-four eighth grade students from Leeton R-10 School, Leeton.

Senator Mathewson introduced to the Senate, his wife, Doris, Sedalia; his daughter-in-law, Jenny Mathewson, and his grandchildren, Eric and Morgan Mathewson, Springfield; and Eric and Morgan were made honorary pages.

Senator Goode introduced to the Senate, Celeste Vossmeier, and her daughter, Rebecca, St. Louis.

On behalf of Senator McKenna, the President introduced to the Senate, Senate President Earl Ray Tomblin, West Virginia; and Colleen Cousineau, Atlanta, Georgia.

Senator Westfall introduced to the Senate, Holly Delasandro and Kayla Moore, Ash Grove; and Shane Cook and Justin Perryman, Bois D'Arc; and Holly, Kayla, Shane and Justin were made honorary pages.

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Monday, March 30, 1998.

Journal of the Senate

SECOND REGULAR SESSION

FORTY-FOURTH DAY--MONDAY, MARCH 30, 1998

The Senate met pursuant to adjournment.

Senator Mathewson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we can't be honest one day and dishonest the next, and expect people to think we have integrity. We can't be nice one day and a grouch the next day and expect people to think we are friendly. We can't live for Christ one day and the devil the next and expect to be Christlike. Make us consistent. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 26, 1998, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Graves offered Senate Resolution No. 1461, regarding Debra Sweatman, Gallatin, which was adopted.

Senator Kenney offered Senate Resolution No. 1462, regarding Luke J. Dlabal, III, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1463, regarding Grant Julian Riggins, Blue Springs, which was adopted.

Senator Yeckel offered Senate Resolution No. 1464, regarding William M. "Bill" Eydman, St. Louis County, which was adopted.

Senator Schneider offered Senate Resolution No. 1465, regarding Nicholas Conrad "Nick" Towers, Riverview, which was adopted.

Senator Schneider offered Senate Resolution No. 1466, regarding Karen Dueren McKay, Florissant, which was adopted.

Senator Bentley offered Senate Resolution No. 1467, regarding Andrew Thomas, Springfield, which was adopted.

Senator Clay offered Senate Resolution No. 1468, regarding Bishop Bose Bradford, St. Louis, which was adopted.

Senator Wiggins offered Senate Resolution No. 1469, regarding the death of Betty J. Ellis, Grandview, which was adopted.

Senator Wiggins offered Senate Resolution No. 1470, regarding the death of Mildred Theobald, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1471, regarding the death of Shirley M. Campbell, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1472, regarding the death of Margery Mae Leslie, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1473, regarding the death of Vernon F. Dunbar, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1474, regarding the death of Martha Patricia Campbell Gilford, Leawood, Kansas, which was adopted.

Senator Wiggins offered Senate Resolution No. 1475, regarding the death of Ralph Keith, Holly, Colorado, which was adopted.

Senator Wiggins offered Senate Resolution No. 1476, regarding the death of Terence J. Kinsella, III, which was adopted.

Senator Wiggins offered Senate Resolution No. 1477, regarding the death of Alfred E. "Al" Poe, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1478, regarding the death of Donald J. Drummond, Sr., Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1479, regarding the death of J. R. "Bluejay" Richards, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1480, regarding the death of Petro Harakas, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1481, regarding the death of Thaddeus J. Grebowiec, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1482, regarding the death of Lon M. Sutherland, Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 1483, regarding the death of Janice J. Roberts, which was adopted.

Senator Wiggins offered Senate Resolution No. 1484, regarding the death of Carl D. "Sonny" Beaver, Raytown, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1859**, entitled:

An Act to repeal section 263.527, RSMo Supp. 1997, relating to boll weevil eradication, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 950**, entitled:

An Act to repeal sections 348.015 and 348.400, RSMo Supp. 1997, relating to agriculture, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1228**, entitled:

An Act to repeal sections 347.163 and 359.021, RSMo 1994, and section 358.510, RSMo Supp. 1997, relating to business organizations, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1748**, entitled:

An Act to repeal sections 294.011 and 294.030, RSMo Supp. 1997, relating to child labor, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 996**, entitled:

An Act to amend chapter 327, RSMo, relating to the practice of architecture, by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1444**, entitled:

An Act to repeal section 534.070, RSMo 1994, and sections 534.090 and 535.030, RSMo Supp. 1997, relating to civil procedure, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1046**, entitled:

An Act to amend chapter 610, RSMo, relating to certain governmental records, by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1080**, entitled:

An Act to repeal sections 379.883 and 379.888, RSMo 1994, relating to commercial casualty insurance, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1410**, entitled:

An Act to repeal section 301.142, RSMo Supp. 1997, relating to physically disabled license plates and placards, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1274**, entitled:

An Act to amend chapter 660, RSMo, relating to the department of social services by adding thereto one new section

relating to head start programs.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1556**, entitled:

An Act to repeal section 210.109, RSMo Supp. 1997, relating to the child protection system established by the division of family services, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1272**, entitled:

An Act to repeal section 162.471, RSMo 1994, relating to school boards, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1103**, entitled:

An Act relating to the construction of the durable power of attorney statutes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1201**, entitled:

An Act to repeal section 32.105, RSMo Supp. 1997, relating to the neighborhood assistance program, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1607**, entitled:

An Act to repeal section 70.686, RSMo 1994, relating to retirement benefits for officers and employees of political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1107**, entitled:

An Act to amend chapter 456, RSMo, relating to trusts and estates of decedents and persons under disability by adding thereto one new section relating to compensation of trustees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1718**, entitled:

An Act to repeal section 42.012, RSMo 1994, and section 42.010, RSMo Supp. 1997, relating to veterans' cemeteries, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1357**, entitled:

An Act to repeal section 195.017, RSMo Supp. 1997, relating to the schedule of controlled substances, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1090**, entitled:

An Act to repeal section 374.122, RSMo 1994, relating to the department of insurance.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 955**, entitled:

An Act to repeal sections 165.211, 165.221 and 165.231, RSMo 1994, relating to school finances, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1113**, entitled:

An Act relating to a county road tax in counties with a population between four thousand two hundred and six thousand five hundred.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1149**, entitled:

An Act to amend chapter 32, RSMo, relating to taxation by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1304**, entitled:

An Act to repeal section 79.365, RSMo Supp. 1997, relating to compensation of certain board members, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1352**, entitled:

An Act to repeal section 89.120, RSMo 1994, relating to penalties for violations of zoning statutes and ordinances, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1531**, entitled:

An Act to repeal section 140.730, RSMo 1994, relating to the collection of personal property taxes, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1468**, entitled:

An Act to repeal section 71.620, RSMo 1994, relating to prohibiting the imposition of tax on certain professions, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1507**, entitled:

An Act to repeal sections 143.221, 143.521, 144.080 and 144.655, RSMo 1994, relating to the filing requirements for certain tax returns and payments, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1734**, entitled:

An Act to repeal section 139.210, RSMo 1994, relating to county budgets, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1419**, entitled:

An Act to repeal section 210.030, RSMo 1994, relating to blood tests for pregnant women, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1802**, entitled:

An Act to repeal section 304.230, RSMo 1994, and section 303.024, RSMo Supp. 1997, and to enact in lieu thereof two new sections for the purpose of the enforcement of the motor vehicle financial responsibility law, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1586**, entitled:

An Act to amend chapter 56, RSMo, relating to county legal representation by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 944**, entitled:

An Act to repeal sections 51.180 and 51.250, RSMo 1994, relating to county clerks.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1730**, entitled:

An Act to repeal section 302.130, RSMo Supp. 1997, relating to the operating of a motor vehicle, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1293**, entitled:

An Act to repeal section 138.085, RSMo 1994, relating to boards of equalization in certain counties, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1158**, entitled:

An Act to repeal section 644.032, RSMo Supp. 1997, relating to local parks, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1705**, entitled:

An Act relating solely to intoxicating liquor wholesalers' and retailers' delivery practices, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1480**, entitled:

An Act to repeal section 109.221, RSMo Supp. 1997, relating to local matching funds for local record preservation grants, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1084**, entitled:

An Act relating to employment and educational opportunities for selective service registrants.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1157**, entitled:

An Act to repeal sections 26.609 and 26.614, RSMo 1994, relating to the community service commission, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator McKenna moved that **SB 765**, with **SCS** and **SA 6** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 6 was again taken up.

At the request of Senator Caskey, the above amendment was withdrawn.

Senator Quick announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

Senator Yeckel offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 765, Page 15, Section 313.605, Line 4, by placing an opening and closing bracket "[]" around the word "hold" and inserting immediately after the following: "**, or any person or organization which has any financial interest, directly or indirectly, in any other gaming activity or business, holds**".

Senator Yeckel moved that the above amendment be adopted.

Senator McKenna offered **SA 1** to **SA 7**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Committee Substitute for Senate Bill No. 765, Page 1 of the amendment, Line 4, by adding after the word "business" the following: "other than horse racing".

Senator McKenna moved that the above amendment be adopted.

At the request of Senator McKenna, **SA 1** to **SA 7** was withdrawn.

Senator McKenna offered **SA 2** to **SA 7**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Committee Substitute for Senate Bill No. 765, Page 1 of the amendment, Line 4, by adding after the word "business" the following: "other than a horse racing licensee".

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

SA 7, as amended, was again taken up.

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Howard requested unanimous consent of the Senate to withdraw his request to be recused from voting on **SCS** for **SB765**, which request was granted.

Senator Childers offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bill No. 765, Page 8, Section 313.560, Line 91, by inserting after the words "appropriations from" on said line the following: **"funds deposited by licensees as provided in section 313.530, RSMo, which shall then be credited to"**.

Senator Childers moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Kenney offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for Senate Bill No. 765, Page 12, Section 313.585, Line 23, by inserting immediately after said line the following:

"4. A licensee shall be permitted to simulcast races and conduct wagering at its associated pari-mutuel facilities no more than three days for each live racing day such licensee conducts in Missouri at its live race track owned and operated by such licensee."

Senator Kenney moved that the above amendment be adopted, which motion failed.

Senator Johnson assumed the Chair.

Senator Ehlmann offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for Senate Bill No. 765, Page 12, Section 313.585, Line 23, by inserting immediately after said line the following:

"4. An applicant to conduct race meetings which are not related to the state fair or which are not on state fairgrounds shall demonstrate that the meetings will be held at a permanent facility built for that purpose on private property and that the initial investment will exceed fifty million dollars."

Senator Ehlmann moved that the above amendment be adopted.

Senator McKenna offered **SA 1** to **SA 10**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 10

Amend Senate Amendment No. 10 to Senate Committee Substitute for Senate Bill No. 765, Page 1 of the amendment, Line 3, by adding after the first "state" the words "or county" and adding after the second "state" the words "or county"; and on line 6, by striking the word "fifty" and add the word "twenty-five".

Senator McKenna moved that the above amendment be adopted.

Senator Ehlmann requested a division of the question on **SA 1** to **SA 10**, asking that a vote first be taken on the portion of the amendment which inserts the words "or county" on line 3 and that a second vote be taken on the portion of the amendment striking the word "fifty" and inserting the word "twenty-five" on line 6, which request was granted.

Senator McKenna moved that Part 1 of **SA 1** to **SA 10** be adopted, which motion prevailed.

Senator McKenna moved that Part 2 of **SA 1** to **SA 10** be adopted, which motion failed on a standing division vote.

SA 10, as amended, was again taken up.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator McKenna offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for Senate Bill No. 765, Page 24, Section 313.720, Line 25, by inserting after said line the following:

"Section 1. The commission may authorize a race meeting to be held in conjunction with any county fair and the Missouri state fair. Any moneys received as the result of such race meetings and the simulcasting of races may be appropriated to support racing at any applicable county or state fair."; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for Senate Bill No. 765, Page 12, Section 313.585, Line 3, by inserting immediately before the word "live" the word "**privately-owned**"; and

Further amend said bill, Page 12, Section 313.585, Line 5, by striking the words "operate a track" and inserting in lieu thereof the words "**own and operate a privately-owned live race track**".

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for Senate Bill No. 765, Page 11, Section 313.580, Line 48, by inserting immediately after said line the following:

"8. A licensee or a relative within the second degree of consanguinity or affinity of such licensee shall not make any campaign contributions to a candidate, as such term is defined in chapter 130, RSMo, except when the licensee is the candidate. A license shall not be granted to any applicant who has made a campaign contribution to any candidate for the general assembly or a statewide office within one year prior to the effective date of this section or at any time on or after the effective date of this section."

Senator Kenney moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator McKenna moved that **SCS** for **SB 765**, as amended, be adopted, which motion prevailed.

On motion of Senator McKenna, **SCS** for **SB 765**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 26, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carolyn V. Atkins, 3029 Hogan Drive, Jefferson City, Cole County, Missouri 65109, as a public member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointment to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1216**, entitled:

An Act to repeal sections 351.604, 355.716 and 355.813, RSMo 1994, relating to reinstatement of corporations, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 986**, entitled:

An Act to amend chapter 109, RSMo, relating to public records by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1869**, entitled:

An Act to repeal sections 278.220, 278.240, 278.245, 278.250, 278.280, 278.290 and 278.300, RSMo 1994, relating to soil and water conservation districts, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1066**, entitled:

An Act to amend chapter 400, RSMo, relating to the uniform commercial code by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1805**, entitled:

An Act to authorize the governor to convey certain property to the city of St. Peters.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1747**, entitled:

An Act to authorize the governor to convey certain property located in the city of O'Fallon to the Fort Zumwalt R-II School District, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1880**, entitled:

An Act relating to certain motor vehicle equipment.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1145**, entitled:

An Act to repeal section 493.050, RSMo 1994, relating to publication of legal notices, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1571**, entitled:

An Act to repeal sections 404.051, 404.550, 473.333, 475.130 and 475.190, RSMo 1994, and section 404.714, RSMo Supp. 1997, relating to the standard fiduciaries are to follow in making investments, and to enact in lieu thereof six new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1596**, entitled:

An Act to repeal sections 226.950 and 226.975, RSMo Supp. 1997, relating to the preservation of corridors for future state highway construction, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1791**, entitled:

An Act relating to the creation of the mid-America port authority, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1528**, entitled:

An Act to repeal sections 57.280 and 57.290, RSMo Supp. 1997, relating to sheriff's charges, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

BILL REFERRALS

President Pro Tem McKenna referred **SCS** for **SBs 614, 696, 906, 530, 912** and **914** to the Committee on State Budget Control.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 898--Civil and Criminal Jurisprudence.

HCS for **HB 922**--Local Government and Economic Development.

HB 931--Civil and Criminal Jurisprudence.

HB 968--Education.

HB 1033--Elections, Pensions and Veterans' Affairs.

HB 1037--Agriculture, Conservation, Parks and Tourism.

HB 1052--Public Health and Welfare.

HB 1055--Judiciary.

HB1059--Financial and Governmental Organization.

HB 1088--Education.

HB 1092--Transportation.

HS for **HCS** for **HB1095**--Local Govern-ment and Economic Development.

HB 1097--Public Health and Welfare.

HB 1120--Ethics.

HS for **HCS** for **HB 1161**--Commerce and Environment.

HB 1162--Education.

HCS for **HB 1167**--Corrections and General Laws.

HCS for **HB1197**--Public Health and Welfare.

HB 1226--Judiciary.

HB 1239--Civil and Criminal Jurisprudence.

HB 1299--Elections, Pensions and Veterans' Affairs.

HB 1300--Transportation.

HB 1301--Ways and Means.

HB1309--Financial and Governmental Organization.

HB 1369--Commerce and Environment.

HB 1374--Insurance and Housing.

HS for HCS for HB 1412--Insurance and Housing.

HB 1454--Elections, Pensions and Veterans' Affairs.

HB 1506--Commerce and Environment.

HB 1508--Civil and Criminal Jurisprudence.

HB 1511--Transportation.

HB 1566--Civil and Criminal Jurisprudence.

HB 1569--Commerce and Environment.

HB 1587--Agriculture, Conservation, Parks and Tourism.

HB 1588--Education.

HB 1599--Elections, Pensions and Veterans' Affairs.

HB 1683--Education.

HB 1704--Agriculture, Conservation, Parks and Tourism.

HB1707--Financial and Governmental Organization.

HB 1763--Education.

HB 1794--Insurance and Housing.

HB 1562--Local Government and Economic Development.

RESOLUTIONS

Senators Westfall, Bentley and Russell offered Senate Resolution No. 1485, regarding the death of Reverend Philip P. Wannenmacher, Springfield, which was adopted.

Senator Westfall offered Senate Resolution No. 1486, regarding the death of Rheba Ilene Zimmerman, Bolivar, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Quick introduced to the Senate, Martha Rosenthal, Julie Floyd, Sherri McCartney, Jodi Cocayne, and sixteen

students from Outreach Christian School, Kansas City.

Senator Singleton introduced to the Senate, Josh Long, Troy Dry, Jessica Yoder, Daniel Erwin, Courtney Barbour, Nathan Thompson, Mark Cash, Jamey Garrity, Annette St. Clair and Janet Ferris, Missouri Southern State College, Joplin.

Senator Klarich introduced to the Senate, Pamela D. Blair, Courtois.

Senator Klarich introduced to the Senate, Charlotte Boyer, Potosi.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FORTY-FIFTH DAY--TUESDAY, MARCH 31, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, when we consider all of our blessings and the many good things You have given to us, we should be willing to share our bounty with others. Forgive us when concepts like denial, sacrifice and commitment are not a part of our service. We pray that these virtues will be lifted from our vocabulary and made a part of our lives. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 1487, regarding National Cosmopolitan Day in Jefferson City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1488, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Fred Robinett, Latham, which was adopted.

Senator Klarich offered Senate Resolution No. 1489, regarding the St. Francis Borgia Knights Boys Basketball Team, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1490

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Joseph "Leroy" Cox of Raytown; and

WHEREAS, Mr. Cox, who became the first Mayor of Raytown in 1950, was associated with numerous civic and charitable activities over many years spanning his entire lifetime; and

WHEREAS, Mr. Cox was born July 4, 1906, on the Cox family farm south of Raytown and after graduating from high school attended the University of Kansas; and

WHEREAS, Mr. Cox was past president of the Raytown Bank, Security Federal Savings and Loan, J. L. Cox and Son and Cox Motor Company; and

WHEREAS, Mr. Cox served as Director of the Raytown Chamber of Commerce, Board Member of the Raytown Water Company, past chairman of the Jackson County Election Board, member of the Ararat Shrine Temple, Raytown Masonic Lodge, and a life member of the Raytown Historical Society; and

WHEREAS, Mr. Cox was widely known for his involvement with the National Saddle Bred Horse Association and also for his one time ownership of Blue Ridge Stables and Blue Valley Stables; and

WHEREAS, in addition to his lifetime dedication to the City of Raytown and its people, Mr. Cox was most of all a devoted husband and father in whose heart and love his family always came first;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the memory of a Jackson County giant, Joseph "Leroy" Cox, express their appreciation for his lifetime of good citizenship and his contributions to Raytown, Jackson County and Missouri, and extend to his family and many friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate prepare properly inscribed copies of this resolution for the family of Joseph "Leroy" Cox, Raytown Mayor Jack Nesbitt, the Raytown Chamber of Commerce, the Masonic Lodge and the Raytown Historical Society.

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1491

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate chamber for the purpose of their regular session the entire day of October 8, 1998 and until 1:00 p.m. on October 9, 1998.

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1492

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our

state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber for the purposes of its Youth in Government program during the period of November 21, 1998 from 9:00 A.M. to 3:00 P.M. and December 3, 4 and 5, 1998.

Senator Yeckel offered Senate Resolution No. 1493, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ralph Wilke, Sr., St. Louis County, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Schneider requested unanimous consent of the Senate to suspend the rules for the purpose of reporting in a Senate Consent Bill, which request was granted.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 981**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator House moved that **SB 781**, with **SCS, SS for SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator House, the above amendment was withdrawn.

Senator House offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 50, Section 165.122, Line 14 of said page, by inserting immediately after said line the following:

"166.275. 1. Any amount of the difference by which the total amount appropriated by the state to school districts, in accordance with a judgment or order based on the equal protection clause of the fourteenth amendment to the Constitution of the United States, for fiscal year 1999 is less than the amount appropriated for the same purpose in fiscal year 1994 in addition to any unexpended appropriation for the 1998 fiscal year that results in additional unobligated resources for the state in fiscal year 1999 shall be transferred to the state school moneys fund and distributed in the manner provided in section 163.031, RSMo.

2. If the total amount appropriated by the state to school districts, in accordance with a judgment or order based on the equal protection clause of the fourteenth amendment to the Constitution of the United States, for fiscal year [1996] 2000 or any subsequent fiscal year is less than the amount appropriated for the same purpose in fiscal year [1994] 1999, any amount of the difference, in addition to any unexpended appropriation for the prior fiscal year that results in additional unobligated resources for the state beginning in fiscal year [1997, necessary to fund the district entitlements under section 163.031, RSMo, with a district entitlement proration factor no less than one, shall be transferred to the state school moneys fund and distributed in the manner provided in section 163.031, RSMo] 2000 shall be distributed as follows:

(1) Up to the first seventy-five million dollars, or such lesser amount determined by appropriation to be sufficient to fully fund district entitlements pursuant to section 163.031, RSMo, with a proration factor no less than one, of such funds shall be transferred to the state school moneys fund and distributed in the manner provided in section 163.031, RSMo; and

(2) Beginning in fiscal year 2000, after distributing funds pursuant to subdivision (1) of this subsection, the next twenty-five million dollars, or such lesser amount determined optional by appropriation to be sufficient, of the remaining funds shall be transferred to fully fund increases in appropriations for transportation categorical aid provided pursuant to line 11 of subsection 6 of section 163.031, RSMo, and any remainder of such twenty-five million dollars shall be transferred to fund other categorical state aid provided pursuant to section 163.031, RSMo; and

(3) After distributing funds pursuant to subdivisions (1) and (2) of this subsection, the next twenty-five million dollars, or such amount determined by appropriation to be sufficient to fully fund district entitlements pursuant to section 163.031, RSMo, with a proration factor no less than one, of such funds shall be transferred to the state school moneys fund and distributed in the manner provided in section 163.031, RSMo; and

(4) After distributing funds pursuant to subdivisions (1), (2) and (3) of this subsection, any remaining funds shall be transferred to fully fund categorical state aid provided pursuant to section 163.031, RSMo, for transportation, vocational education, special education, gifted education, remedial reading and implementation costs of assessments established pursuant to section 160.522, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Westfall offered **SA 1 to SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 2, Line 25 of said page, by inserting immediately after said line the following:

"(3) After distributing funds pursuant to subdivisions (1) and (2) of this subsection, up to the next five million dollars or such lesser amount determined by appropriation to fund special education transportation aid, shall be transferred to fund special education transportation aid pursuant to section 163.161, RSMo; and"; and further amend line 26 of said page 2 and line 1 of page 3, by striking "(1) and (2)" and inserting in lieu thereof the following: "(1), (2) and (3)"; and

Further amend said amendment by renumbering the remaining subdivisions accordingly.

Senator Westfall moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Wiggins assumed the Chair.

SA 2 was again taken up.

Senator Johnson assumed the Chair.

Senator House moved that **SA 2** be adopted, which motion prevailed.

Senator Clay offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 23, Section 162.1100, Line 14 of said page, by inserting immediately after the period "." the following: **"No operating levy or increase in the operating levy shall be established by the governing body of a transitional school district unless prior approval is obtained from a simple majority of the district's voters, provided such increase is necessary to comply with the**

terms of a federal court order approving an agreement to settle the desegregation litigation."

Senator Clay moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Wiggins assumed the Chair.

Senator Mueller offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 23, Section 162.1100, Line 14 of said page, by inserting immediately after the period "." the following: "**No operating levy or increase in the operating levy shall be established by the governing body of a transitional school district unless prior approval is obtained from a simple majority of the district's voters.**".

Senator Mueller moved that the above substitute amendment be adopted.

At the request of Senator House, **SB 781**, with **SCS, SS** for **SCS, SA 3** and **SSA 1** for **SA 3** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1744**, entitled:

An Act to repeal section 513.430, RSMo 1994, relating to property exempt from attachment, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 8**.

HOUSE CONCURRENT RESOLUTION NO. 8

Creating the Harry S. Truman Tribute Commission; and for other purposes.

WHEREAS, the Honorable Harry S. Truman, former President of the United States and U.S. Senator for the state of Missouri, became one of the most honored and well respected leaders of our time; and

WHEREAS, born in Lamar, Missouri, on May 8, 1884, Harry Truman worked on the family farm for over ten years and on June 28, 1919, he married Bess Wallace, a childhood friend, with whom he fathered one child, Mary Margaret; and

WHEREAS, he served in the Missouri National Guard from 1905 to 1911, helped organize the 2nd Regiment of the Missouri Field Artillery, which served in France during World War I and fought valiantly in the campaigns of Vosges, Saint Mihiel and Meuse-Argonne, and eventually rose to the rank of colonel; and

WHEREAS, he earned a reputation for honesty and efficiency as an administrative judge of the Jackson County Court and as presiding judge of Jackson County after his election in 1926 and re-election in 1930; and

WHEREAS, upon his election to the United States Senate in 1934, he saved the taxpayers billions of dollars with his efforts to reform defense contracting practices and greatly improved transportation with the passage of the Civil Aeronautics Act of 1938 and the Transportation Act of 1940; and

WHEREAS, as Vice President, he assumed the Presidency after President Franklin D. Roosevelt passed away on April 12, 1945, and became the 33rd President of the United States; and

WHEREAS, President Truman quickly gained respect as a decisive and responsible world leader as he oversaw the end of World War II in Europe and the development and use of the world's first atomic bomb, saving American lives and bringing a quick end to the war with Japan; and

WHEREAS, he stood steadfast against Soviet expansion and influence, implementing the Truman Doctrine, the Marshall Plan, and the creation of the North Atlantic Treaty Organization; and

WHEREAS, he overcame great odds and left the political pundits dumbfounded with his victorious "Whistlestop Campaign" for re-election in 1948, making famous a photograph whose headline mistakenly proclaimed, "Dewey Defeats Truman"; and

WHEREAS, President Truman fought vigorously for the passage of civil rights legislation, the desegregation of the armed forces, and for legislation banning employment discrimination; and

WHEREAS, President Truman retired from political office in 1953 and settled down in Independence, Missouri, with his beloved Bess and continued to lecture and write until his death on December 26, 1972; and

WHEREAS, Harry S. Truman remains to this day one of the most respected presidents in our nation's history, an honest and dedicated public servant and responsible world leader; and

WHEREAS, it is fitting and proper that a tribute be created as a lasting testimony to his contributions to the state of Missouri and to the United States of America:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Eighty-Ninth General Assembly, the Senate concurring therein, hereby create the Harry S. Truman Tribute Commission to be composed of six elected members of the Missouri General Assembly as follows: three members shall be state representatives appointed by the Speaker of the House of Representatives, of which no more than two members may be of the same political party; and three members shall be state senators appointed by the President Pro Tem of the Senate, of which no more than two members may be of the same political party. The commission shall elect one member as chair. The commission is empowered to provide for the creation of an appropriate tribute to the Honorable Harry S. Truman. The commission is authorized to select the site on state property where such appropriate tribute shall be placed, provided that the site selected shall be on the grounds of the state capitol or in close proximity thereof. Such tribute shall be financed through voluntary contributions and no state funds shall be expended for such tribute or the work of the commission. The commission is authorized to accept any gift, donation, or grant in furtherance of its purpose and is authorized to work with any private group, organization, association, or corporation having for its purpose the same purpose as the commission created in this resolution. The commission shall meet as soon as practicable after all members have been designated. The commission shall exist until its purpose is accomplished, at which time it shall be abolished.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 9**.

HOUSE CONCURRENT RESOLUTION NO. 9

WHEREAS, Missouri Highway 21 is located at approximately the same latitude as the Republic of Korea, from 36 to 38 north of the equator; and

WHEREAS, several cities in Missouri along Highway 21 are located at the same approximate latitude as cities in the Republic of Korea: Hillsboro, Missouri and Kumwah, Korea at 38.14; Potosi, Missouri and Chunchon, Korea at 37.56; Ironton, Missouri and Seoul, Korea at 37.36; and

WHEREAS, the veterans who served in the Korean War gave themselves for their country from 1950 to the present day and will always be remembered by their friends and loved ones for their courage and bravery during the Korean War and its aftermath; and

WHEREAS, the veterans of the Korean War and their friends and loved ones will always remember the locations of the defensive stands and offensive maneuvers, the heavy losses and the jubilant victories, including the two losses of Seoul, the defense of Pusan, the recoveries of Seoul, the drive to the objectives of Punchbowl, Bloody Ridge and Heartbreak Ridge, and the final armistice at Panmunjom near the 38th parallel; and

WHEREAS, the losses of United States troops during the Korean War numbered at least 34,000 up through the present day and over 54,000 when including all causes; and

WHEREAS, veterans of the Korean War and other wars should be recognized for their courage and bravery in support of freedom:

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-ninth General Assembly, Second Regular Session, the Senate concurring therein, that the Highways and Transportation Commission of the State of Missouri name Highway 21 throughout the state as the Veterans Memorial Highway; and

BE IT FURTHER RESOLVED that the Highways and Transportation Commission of the State of Missouri name the section of Missouri Highway 21 from 10 miles north of the 38th parallel to 10 miles south of the 38th parallel as the Korean War Memorial Highway; and

BE IT FURTHER RESOLVED that the Missouri Department of Transportation place signs along Highway 21 indicating its designation as the Veterans Memorial Highway and the Korean War Memorial Highway, as well as a plaque at the 38th parallel recalling the events of the Korean War; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Missouri Highways and Transportation Commission, the Governor of Missouri, the Korean War Veterans Association and the Missouri Association of Veterans Organizations.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 20**.

HOUSE CONCURRENT RESOLUTION NO. 20

WHEREAS, the smiling Irish eyes of James "Jimmy" C. Kirkpatrick graced the Secretary of State's office for twenty years, an achievement that bestowed on him the singular honor of having served the citizens of Missouri in statewide office longer than any other office holder in Missouri history; and

WHEREAS, those smiling Irish eyes of James C. Kirkpatrick stole away the hearts of more than 8.4 million Missouri voters during his career, a record unparalleled by any other Missouri officeholder; and

WHEREAS, throughout his career in public office, James C. Kirkpatrick wore the badges of honor, integrity, and character as nobly and proudly as he wore the Irish green, exemplifying what a special opportunity and privilege public service can be when it is conducted in a context of mutual respect between the officeholder and the citizens represented; and

WHEREAS, as Secretary of State, James C. Kirkpatrick performed the duties of his high office in an innovative, efficient, effective, and responsible manner that maintained public trust and confidence and emphasized fair service to all citizens; and

WHEREAS, the strong leadership of James C. Kirkpatrick extended not only to government, but to education, business, politics, and the media as well in his continual efforts to improve the quality of life for all Missourians; and

WHEREAS, James C. Kirkpatrick earned the title of Missouri's senior statesman by dedicating his life to the service of others with an enthusiasm for life and a genuine concern for his fellow citizens that elicited the admiration and respect of every Missouri citizen; and

WHEREAS, throughout his life, James C. Kirkpatrick shared his knowledge and wisdom as a mentor to countless government officials and students interested in learning more about government; and

WHEREAS, because of his outstanding public service, both in and out of elective office, James C. Kirkpatrick will be forever known as one of Missouri's most beloved public figures; and

WHEREAS, James C. Kirkpatrick's unprecedented admiration for and dedication to the people of Missouri flowed as freely as his green ink; and

WHEREAS, for 92 years, the world seemed bright and gay because the happy Irish heart of James C. Kirkpatrick opened its great humanity to every person he met; and

WHEREAS, during his glorious tenure as Secretary of State, James C. Kirkpatrick established Missouri's first Records Management and Archives Service; and

WHEREAS, in 1991, the Missouri State Information Center was constructed to house that and the other divisions of the Missouri Secretary of State's office that James C. Kirkpatrick administered so magnificently:

NOW, THEREFORE, BE IT RESOLVED that in tribute and respect to the legacy and service that Missouri's most famous Irishman, James C. Kirkpatrick, provided to the citizens of Missouri throughout his life, the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, Second Regular Session, the Senate concurring therein, hereby declare the Missouri State Information Center shall hereinafter be known as the James C. Kirkpatrick State Information Center; and

BE IT FURTHER RESOLVED that the Office of Administration shall be instructed to make appropriate changes to all printed material and signage to reflect this action in commemoration of this great Missourian; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Office of Administration and the Secretary of State's Office.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 944--Local Government and Economic Development.

HB 950--Agriculture, Conservation, Parks and Tourism.

HB 955--Education.

HB986--Financial and Governmental Organization.

HB 996--Corrections and General Laws.

HB 1046--Elections, Pensions and Veterans' Affairs.

HB 1066--Ways and Means.

HB 1080--Insurance and Housing.

HB 1084--Elections, Pensions and Veterans' Affairs.

HB 1090--Insurance and Housing.

HB 1103--Civil and Criminal Jurisprudence.

HB 1107--Civil and Criminal Jurisprudence.

HB 1113--Local Government and Economic Development.

HB 1145--Local Government and Economic Development.

HB 1149--Corrections and General Laws.

HB1157--Financial and Governmental Organization.

HB 1158--Agriculture, Conservation, Parks and Tourism.

HB 1201--Local Government and Economic Development.

HB 1216--Commerce and Environment.

HB1228--Financial and Governmental Organization.

HB 1272--Education.

HB 1274--Aging, Families and Mental Health.

HB 1293--Local Government and Economic Development.

HB 1304--Local Government and Economic Development.

HCS for HB 1315--Insurance and Housing.

HB 1352--Local Government and Economic Development.

HB 1357--Civil and Criminal Jurisprudence.

HB 1480--Local Government and Economic Development.

HB 1410--Transportation.

HB 1419--Public Health and Welfare.

HB 1444--Civil and Criminal Jurisprudence.

HB 1468--Local Government and Economic Development.

HB 1507--Ways and Means.

HB 1528--Civil and Criminal Jurisprudence.

HB 1531--Ways and Means.

HB1556--Aging, Families and Mental Health.

HB1571--Financial and Governmental Organization.

HB 1586--Civil and Criminal Jurisprudence.

HB 1596--Transportation.

HB 1607--Elections, Pensions and Veterans' Affairs.

HB 1705--Corrections and General Laws.

HB 1718--Elections, Pensions and Veterans' Affairs.

HB 1730--Transportation.

HB 1734--Local Government and Economic Development.

HB 1747--Education.

HB 1748--Labor and Industrial Relations.

HB 1791--Interstate Cooperation.

HB 1802--Transportation.

HB1805--Aging, Families and Mental Health.

HB 1859--Agriculture, Conservation, Parks and Tourism.

HB 1869--Agriculture, Conservation, Parks and Tourism.

HB 1880--Judiciary.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

RESOLUTIONS

Senator Lybyer offered Senate Resolution No. 1494, regarding Harold Schutt, which was adopted.

Senator Mathewson offered Senate Resolution No. 1495, regarding the Seventy-fifth Anniversary of Fitzgibbon Hospital, Marshall, which was adopted.

Senator House offered Senate Resolution No. 1496, regarding Robert Andrew Rescot, St. Charles, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1497, regarding Ryan Stuart Allen, St. Charles, which was adopted.

Senator Clay offered Senate Resolution No. 1498, regarding the Afro-American Postal League United for Success, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SB 765**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

BILL REFERRALS

President Pro Tem McKenna referred **SCS** for **SB 765** to the Committee on State Budget Control.

SENATE BILLS FOR PERFECTION

Senator House moved that **SB 781**, with **SCS**, **SS** for **SCS**, **SA 3** and **SSA 1** for **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 3** was again taken up.

Senator Russell requested a roll call vote be taken on the adoption of **SSA 1** for **SA 3** and was joined in his request by Senators Childers, Clay, Ehlmann and Mueller.

Senator Johnson assumed the Chair.

Senator Mueller moved that **SSA 1** for **SA 3** be adopted, which motion failed by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Sims
Singleton	Westfall	Yeckel--15	
NAYS--Senators			
Banks	Caskey	Clay	Curls
DePasco	Goode	House	Howard
Jacob	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Quick	Schneider
Scott	Staples	Wiggins--19	
Absent--Senators--None			
Absent with leave--Senators--None			

SA 3 was again taken up.

At the request of Senator Clay, the above amendment was withdrawn.

President Pro Tem McKenna assumed the Chair.

Senator Scott offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 23, Section 162.1100, Line 14 of said page, by inserting immediately after the period "." the following: "**No operating levy or increase in the operating levy shall be established for a transitional school district unless prior approval is obtained from a simple majority of the district's voters.**".

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 15, Section 162.1060, Line 2 of said page, by inserting immediately after "2.", the following "**(1)**"; and

Further amend line 12 of said page, by inserting after all of said line, the following:

"(2) Each district, other than a metropolitan school district, participating in an urban voluntary school transfer program shall place before voters in the district a proposal to continue participation in the urban voluntary school transfer program at the April election during the fourth year of operation of the program. Unless a majority of district voters voting thereon vote to continue participation in the program, each district, other than a metropolitan school district, shall file a plan, no later than the end of the fifth year of the operation of the program, for phase-out of the district's participation in the program, and such plan shall be provided to the state board of education, the transitional school district and the board of directors of the corporation. Each such plan

shall provide for elimination of transfers to the district pursuant to this section no later than the following schedule:

- (a) The seventh year of the program for grades one through three;
- (b) The eighth year of the program for grades four through six;
- (c) The ninth year of the program for grades seven through nine; and
- (d) The tenth year of the program for grades ten through twelve."

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 16, Section 162.1060, Lines 12-18 of said page, by striking all of said lines and inserting in lieu thereof the following: "**corporation shall also receive a payment of twenty-five million dollars.**"; and

Further amend said bill, Page 16, Section 162.1060, Line 24 of said page, by inserting immediately after said line the following:

"(3) Funds received by the corporation pursuant to this subsection may be used for any purpose and need not be expended in the year received."

Senator Caskey moved that the above amendment be adopted.

At the request of Senator House, **SB 781**, with **SCS**, **SS** for **SCS** and **SA 6** (pending), was placed on the Informal Calendar.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **HB 1014**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

RESOLUTIONS

Senator Banks offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1499

WHEREAS, it is always a special occasion when the Missouri Senate pauses to recognize Missouri's outstanding citizens as they observe significant milestones in their lives; and

WHEREAS, it has come to the attention of this body that Mrs. Hester Rachel Walls Davis, a distinguished citizen and resident of the City of St. Louis is celebrating her one hundred second birthday today; and

WHEREAS, Mrs. Davis, who was born in Huntingdon, Tennessee on March 31, 1896, has resided in the City of St. Louis since April 20, 1920. She was baptized in the Holy spirit and became a member of the Temple Church of Christ under the pastorage of the late Bishop Austin Augustus Layne. She was married to the late Deacon Sam B. Davis, who was also a member of Temple Church of Christ; and

WHEREAS, it has been made known to the Missouri Senate that as a wife, mother and grandmother she has always been deeply interested in the welfare of all people and merited praise for her service in many capacities in her church, including the church food service, membership in the

Missionary Society, Usher Board, President of the Charity Workers and of the Prayer Band; and on the Church Ministry Staff; and

WHEREAS, the latter is her favorite position in which she was noted for her exceptional service in the mid-1980's when she was involved in a ministry at the prison and visited inmates weekly; as a result, more than 39 inmates were baptized on a single night in a cold water trough behind the prison; and

WHEREAS, Mrs. Davis is the adored matriarch of a family which includes one sister, one daughter, six grandchildren, twenty-five great grandchildren, more than 35 great-great grandchildren and a host of nieces, nephews and other family members who, in addition to her friends, view her as a trusted confidante and counselor whose youthful outlook and long experience helps to steer them on the right path; and

WHEREAS, it is with warm affection that the Senate pays tribute to this delightful woman as she marks this passage to her one hundred second year as an esteemed citizen and family member;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, Second Session, join Senator J. B. "Jet" Banks in extending our birthday greetings and hearty congratulations to Mrs. Hester Rachel Walls Davis, and further extend our best wishes for her continued happiness and fulfillment; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mrs. Davis as a mark of our esteem for her.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Violet Corbett, Knob Noster; the Honorable Mary Ellen Young, Holden; and Jane Abington and Chloe Elfrink, Warrensburg.

Senator Lybyer introduced to the Senate, Brandi Abbey, Mountain View; and Freddie Doyle, Willow Springs.

Senator Childers introduced to the Senate, Chuck and Terry Puckett, and their children, Courtney, Kimberley and Carrie, homeschoolers from Branson; and Courtney, Kimberley and Carrie were made honorary pages.

Senator Childers introduced to the Senate, Josh Redfield, West Plains.

Senator Graves introduced to the Senate, Ann Hurst, Tarkio.

Senator Flotron introduced to the Senate, Amber Watson, Florissant.

Senator Flotron introduced to the Senate, forty-five eighth grade students from St. Monica School, St. Louis.

On behalf of Senator Jacob, Senator Rohrbach introduced to the Senate, Elizabeth Clabine, Columbia.

Senator Bentley introduced to the Senate, Kelly Meaher, Springfield.

Senator Kenney introduced to the Senate, Diane Perkins, Belton; and Diane was made an honorary page.

Senator Ehlmann introduced to the Senate, Stephanie Harris, St. Charles.

Senator Yeckel introduced to the Senate, Lisa Wehner, St. Louis County.

Senator Klarich introduced to the Senate, Joy Gerstein, Washington.

Senator Childers introduced to the Senate, Sarah Coney, Houston.

Senator Westfall introduced to the Senate, Larue Lemons, Lockwood.

Senator Singleton introduced to the Senate, Gayle, Jimmy and Teresa Creel, Joplin; and Teresa was made an honorary page.

Senator Russell introduced to the Senate, Mary Ann, Leanore, Rebecca and Robert McGregor, homeschoolers from

Mountain Grove; and Vicki, Jeanette, Leanna and Richard Baumer, homeschoolers from Mansfield; and Leanore, Rebecca, Robert, Jeanette, Leanna and Richard were made honorary pages.

Senator Russell introduced to the Senate, Jeanette Whipple, Shirley Burris, Tane Burris, Angela O'Quinn, Jennifer Foltz and McKenzie Maggard, Lebanon; and Angela, Jennifer and McKenzie were made honorary pages.

Senator Westfall introduced to the Senate, the Physician of the Day, Dr. Ben Koon, Bolivar.

Senator Singleton introduced to the Senate, Roy Jean Carter, and forty-seven fourth grade students from Newton County.

Senator Graves introduced to the Senate, Monica Patton, Alice Neville, Lawrence Cline and Lisa Goedken, Nodaway County.

Senator Yeckel introduced to the Senate, Jana Shepard, and Webelos Pack 267 from Beasley School, St. Louis; and Nathan L. Shepard, Christopher R. Muehlfarth, Donald M. Marler, Brian J. Kremer, Jeffrey T. Carroll and Jeffrey M. Matthews were made honorary pages.

Senator Westfall introduced to the Senate, Mary Clark and Melissa Warson, Humansville.

Senator Caskey introduced to the Senate, Gary, Cathy and Amanda Lowe, Josh Woodard and Rachael Sano, Warrensburg; and Amanda, Josh and Rachael were made honorary pages.

Senator Lybyer introduced to the Senate, Robert Joens and Rick Dixon, Houston.

Senator Kenney introduced to the Senate, Tammy Coleman and Jean Swathard, Gladstone.

Senator Russell introduced to the Senate, Bob and Linda Caulter, and their grandchildren, Lori and Robby Dyer, homeschoolers from Buffalo.

Senator Sims introduced to the Senate, Janet Held and Mary Lou Bayer, St. Louis.

Senator DePasco introduced to the Senate, Sarah Rathke, Lee's Summit; and Sarah was made an honorary page.

Senator Westfall introduced to the Senate, Dave Plemmons, Republic; and Donna Roberts, Christie Evans, Melinda Roberts, Misty Durham, Sheila Drake, Kathy Drake and Linda Porter, Bolivar.

Senator Westfall introduced to the Senate, Darla and Brenda Dodson, Dadeville; Kimberly Jones and Ella Whaley, Lockwood; Janis Decker, Greenfield; and Joe McGee, Kathleen McGee and Betty Ringgenberg, Everton.

On behalf of Senator Bentley and himself, Senator Westfall introduced to the Senate, Andrew Purvis, Springfield.

Senator Bentley introduced to the Senate, Dale Wagner and Thelma Neff, Springfield.

Senator Caskey introduced to the Senate, residents of Foxwood Springs, Raymore.

Senator Howard introduced to the Senate, Clete and Joann Stanfill, Caruthersville.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FORTY-SIXTH DAY--WEDNESDAY, APRIL 1, 1998

The Senate met pursuant to adjournment.

Senator Johnson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, in James, the Lord promises to give to us, wisdom. We pray for that wisdom today that the decisions we make will honor our God, ourselves and the people of our state. Help us to work together that Your will might be done in this body. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

THIRD READING OF SENATE BILLS

SB 524, with **SCS**, introduced by Senator Sims, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to income tax credits.

Was called from the Consent Calendar and taken up.

SCS for **SB 524**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 524

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to income tax credits.

Was taken up.

Senator Sims moved that **SCS** for **SB 524** be adopted, which motion prevailed.

On motion of Senator Sims, **SCS** for **SB 524** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bentley	Curls	Jacob--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **SBs 614, 696, 906, 530, 912** and **914**; and **SCS** for **SB 765**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SS for **SB 620**, introduced by Senator Goode, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 620

An Act to amend chapters 8 and 327, RSMo, by adding thereto twelve new sections relating to the procurement of services for state construction projects, with a termination date.

Was taken up.

On motion of Senator Goode, **SS** for **SB 620** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay

Curls	DePasco	Goode	Graves
House	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Schneider	Sims	Staples	Wiggins--20
	NAYS--Senators		
Bentley	Ehlmann	Flotron	Howard
Kenney	Kinder	Klarich	Rohrbach
Russell	Singleton	Westfall	Yeckel--12
	Absent--Senators		
Jacob	Scott--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SCS for **SBs 541** and **822**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 541 and 822

An Act to repeal sections 416.605, 643.305, 643.310, 643.315, 643.320, 643.335, 643.350 and 643.355, RSMo 1994, and sections 307.366 and 643.210, RSMo Supp. 1997, relating to motor vehicle emissions, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Goode.

Senator Jacob assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Goode moved that **SCS** for **SBs 541** and **822** be read the 3rd time and finally passed, which motion failed to receive a constitutional majority by the following vote:

	YEAS--Senators		
Banks	Clay	Curls	Goode
Howard	Jacob	Johnson	Kenney
Lybyer	Mathewson	McKenna	Quick
Scott	Singleton	Wiggins--15	
	NAYS--Senators		
Bentley	Caskey	Childers	Ehlmann
Flotron	Graves	House	Kinder
Klarich	Mueller	Rohrbach	Russell
Sims	Westfall	Yeckel--15	
	Absent--Senators		
DePasco	Maxwell	Schneider	Staples--4
	Absent with leave--Senators--None		

SENATE BILLS FOR PERFECTION

Senator House moved that **SB 781**, with **SCS**, **SS** for **SCS** and **SA 6** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 6 was again taken up.

At the request of Senator Caskey, **SA 6** was withdrawn.

Senator Caskey offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 15, Section 162.1060, Line 1 of said page, by inserting immediately at the end of said line, the following: "**The vote of each member of the board shall be weighted proportionately to the percentage of the total of transfer students who attend school in the member's district.**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 16, Section 162.1060, Lines 12-18 of said page, by striking all of said lines and inserting in lieu thereof the following: "**corporation shall also receive a payment of twenty-five million dollars.**"; and

Further amend said bill, Page 16, Section 162.1060, Line 24 of said page, by inserting immediately after said line the following:

"**(3) Funds received by the corporation pursuant to this subsection may be used for any purpose and need not be expended in the year received.**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Howard assumed the Chair.

Senator Russell offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 16, Section 162.1060, Line 24 of said page, by inserting immediately after the word "residence" the following: ", **provided that such reimbursement shall not exceed one hundred twenty-five percent of the statewide average per pupil cost for transportation for the 1997-98 school year**".

Senator Russell moved that the above amendment be adopted.

The President announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

President Wilson assumed the Chair.

Senator Howard assumed the Chair.

Senator Caskey offered **SSA 1** for **SA 9**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 16, Section 162.1060, Line 24, by inserting immediately after the word "residence" the following: "**, provided that such reimbursement shall not exceed one hundred fifty-five percent of the statewide average per pupil cost for transportation for the 1997-98 school year**"; and

Further amend said bill, page 49, section 163.031, line 19, by inserting immediately after all of said line the following:

"163.161. 1. Any school district which makes provision for transporting pupils as provided in section 162.621, RSMo, and sections 167.231 and 167.241, RSMo, shall receive state aid for the ensuing year for such transportation on the basis of the cost of pupil transportation services provided the current year. A district shall receive, pursuant to section 163.031, an amount not greater than seventy-five percent of the allowable costs of providing pupil transportation services to and from school and to and from public accredited vocational courses, and shall not receive an amount per pupil greater than one hundred twenty-five percent of the state average approved cost per pupil transported the second preceding school year, except when the state board of education determines that sufficient circumstances exist to authorize amounts in excess of the one hundred twenty-five percent of the state average approved cost per pupil transported the second previous year.

2. The state board of education shall approve all bus routes or portions of routes and determine the total miles each district should have for effective and economical transportation of the pupils and shall determine allowable costs. Under circumstances where the state board approves only a portion of a route, the costs for the disapproved portion shall not be considered allowable costs. The local school board, in its discretion, may continue that portion of the route unless that portion of the route was discontinued by the state board of education for safety reasons. When the local school board decides to continue that portion of the route, costs incurred shall be paid from local money or by the parents of the students living on that portion of the route under consideration. State aid for any other portion of the route which shall otherwise be approved shall not be affected. No state aid shall be paid for the costs of transporting pupils living less than one mile from the school. However, if the state board of education determines that circumstances exist where no appreciable additional expenses are incurred in transporting pupils living less than one mile from school, such pupils may be transported without increasing or diminishing the district's entitlement to state aid for transportation.

3. State aid for transporting handicapped and severely handicapped students attending classes within the school district or in a nearby district under a contractual arrangement shall be paid in accordance with the provisions of section 163.031 and an amount equal to seventy-five percent of the additional cost of transporting handicapped and severely handicapped students above the average per pupil cost of transporting all students of the district shall be apportioned pursuant to section 163.031 where such special transportation is approved in advance by the department of elementary and secondary education. State aid for transportation of handicapped and severely handicapped children in a special school district shall be seventy-five percent of allowable costs as determined by the state board of education which may for sufficient reason authorize amounts in excess of one hundred twenty-five percent of the state average approved cost per pupil transported the second previous year. In no event shall state transportation aid exceed seventy-five percent of the total allowable cost of transporting all pupils eligible to be transported; **provided that no district shall receive reduced reimbursement for costs of transportation of handicapped and severely handicapped children based upon inefficiency.**

4. No state transportation aid received pursuant to section 163.031 shall be used to purchase any school bus manufactured prior to April 1, 1977, that does not meet the federal motor vehicle safety standards."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above substitute amendment be adopted, which motion prevailed.

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 1, Section A, Line 7 of said page, by inserting immediately after all of said line the following:

"135.348. 1. As used in this section, the following terms mean:

- (1) "Approved program", a sponsorship and mentoring program established pursuant to this section and approved by the department of elementary and secondary education;**
- (2) "Eligible student", a resident pupil of a school district who is determined by the local school board to be eligible to participate in a sponsorship and mentoring program pursuant to this section and who participates in such program for no less than eight calendar months in the tax year for which a return is filed claiming a credit authorized in this section;**
- (3) "Net expenditures", only those amounts paid or incurred for the participation of an eligible student participating in an approved sponsorship and mentoring program less any amounts received by the qualified taxpayer from any source for the provision of a sponsorship and mentoring program for an eligible student;**
- (4) "Qualified taxpayer", an employer who makes expenditures pursuant to this section.**

2. For taxable years commencing on or after January 1, 1998, a qualified taxpayer shall be allowed a credit against the tax imposed by chapter 143, RSMo, exclusive of the provisions relating to the withholding of tax as provided in sections 143.191 to 143.265, RSMo, to the extent of the lesser of two thousand dollars times the number of eligible students for which the qualified taxpayer is allowed a credit pursuant to this section or the net expenditures made directly or through a fund during a taxable year by the qualified taxpayer for the participation of an eligible student in an approved sponsorship and mentoring program established pursuant to this section. No credit shall be allowed for any amounts for which any other credit is claimed or allowed under any other provision of state law for the same net expenditures.

3. The tax credit allowed by this section shall be claimed by the qualified taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143, RSMo, after all other credits provided by law have been applied. Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability shall not be refundable but may be carried forward to any of the taxpayer's four subsequent taxable years.

4. The department of elementary and secondary education shall establish, by rule, guidelines and criteria for approval of sponsorship and mentoring programs established by school districts and for determining the eligibility of students for participation in sponsorship and mentoring programs established pursuant to this section. Such determinations for eligibility of students shall be based upon a definition of an at-risk student as established by the department by rule.

5. A local school board may establish a sponsorship and mentoring program and apply to the department of elementary and secondary education for approval of such program. A tax credit may only be received pursuant to this section for expenditures for sponsorship and mentoring programs approved by the department. The school board of each district which has an approved program shall annually certify to the department of elementary and secondary education the number of eligible students participating in the program. The principal of any school in a district which has an approved program may recommend, to the local school board, those students who do not meet the definition of "at-risk" students established pursuant to this section, and the school board may submit the names of such students and the circumstances which justify the student's participation in an approved program to the department of elementary and secondary education for approval of such student's participation. If approved by the department, such students shall be considered eligible students for participation in an approved program.

6. The department of elementary and secondary education shall provide written notification to the department of revenue of each eligible student participating in an approved program pursuant to this section, the student's school district, the name of the qualified taxpayer approved to receive a tax credit on the basis of such eligible student's participation in an approved program pursuant to this section and the amount of such credit as determined in subsection 2 of this section."; and

Further amend the title and enacting clause accordingly.

Senator Russell moved that the above amendment be adopted.

Senator Caskey offered **SA 1** to **SA 10**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 10

Amend Senate Amendment No. 10 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 4, Section 135.348, Line 8, by inserting after "section." the following: "This section is subject to appropriations."

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

SA 10, as amended, was again taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 12, Section 162.601, Line 7 of said page, by inserting immediately after said line the following:

"8. No one may run for school board who is employed by the school district or who is related to an employee of the school district within the second degree of affinity or consanguinity."

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 21, Section 162.1100, Lines 16-18 of said page, by striking all of said lines and inserting in lieu thereof the following: **"recognized administrative ability and management experience and shall have all other powers and"**; and

Further amend said bill, Page 21, Section 162.1100, Line 19 of said page, by inserting after the word "schools" the following: **", including the appointment of staff"**; and

Further amend said bill, Page 22, Section 162.1100, Lines 2-3 of said page, by striking the following: "a chief academic officer, a chief financial officer for the district and"; and further amend said section, lines 5-6 of said page, by striking the following: "of the board of trustees" and inserting in lieu thereof the following: **"who serve on the board of the retirement system"**; and

Further amend said bill, Page 22, Section 162.1100, Line 10 of said page, by striking the following: "Responsibility for appointing staff,".

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 14, Section 162.626, Line 15 of said page, by inserting immediately after said line the following:

"162.935. 1. Each special district formed under provisions of sections 162.670 to 162.995 shall receive an amount for each eligible pupil equal to the sum of the amounts received by all districts comprising the special district for the current school year under provisions of section 163.031, RSMo, divided by the total number of eligible pupils in the schools of such districts. A student enrolled in classes or programs in both the special district and a component district or a pupil enrolled in a local district who needs itinerant or temporary services provided by the special district shall continue his enrollment in the local district for purposes of apportionment of state aid on average daily attendance. The special district may include the pupil in classes approved for special categorical aid. The district providing transportation may claim state transportation aid.

2. [The] **Any** special school district **which if in a county of the first classification which has a population greater than nine hundred thousand** is entitled to apportionment of state aid in the same manner as six-director school districts even though the tax rate levied by the special school district is less than that required by section 163.021, RSMo.

3. For the purposes of determining state aid pursuant to section 163.031, RSMo, the operating levy for school purposes of a school district within any special school district which is not in a county of the first classification which has a population greater than nine hundred thousand shall include the operating levy for school purposes of the special school district in which such school district is located, and the district's number of eligible pupils shall reflect the average daily attendance of all pupils resident in the district and educated by the district or by the special school district, or both. The department shall pay the funds so calculated to the school district and the special school district, respectively, in the same proportion as the school district's operating levy or special school district's operating levy, respectively, bears to the total of the operating levies of the school district and the special school district, except this distribution shall not decrease any district's allocation of formula money per eligible pupil below that which the district received for the 1992-93 school year. Such state aid shall constitute foundation formula state aid provided to such special school district pursuant section 163.031, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted.

Senator Klarich raised the point of order that **SA 13** is out of order in that the amendment goes beyond the scope and purpose of the bill.

Senator Wiggins assumed the Chair.

The point of order was referred to the President Pro Tem.

President Pro Tem McKenna ruled the point of order not well taken.

SA 13 was again taken up.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, page 5, Section 160.542, Line 11 of said page, by inserting immediately after said line the following:

"160.600. 1. A charter school is an independent, publicly supported school.

2. (1) Charter schools may be sponsored in a metropolitan school district or an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants by the school board of the district or the state board of education, a four-year college or university located in Missouri with an approved teacher education program that meets regional or national standards of accreditation, a community college, or by the school board of the district in a district participating in an urban voluntary school transfer program on the effective date of this act, established pursuant to section 162.1060, RSMo.

(2) If an application is denied by a school board, the application may be submitted to the state board of education, along with the school board's written reasons for its denial, for review by the state board. If the state board finds that the proposed charter school would provide substantial educational benefit to the students of the district, the state board may grant a charter and act as the sponsor of the charter school.

3. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

4. The charter school shall be a Missouri nonprofit corporation incorporated under chapter 355, RSMo. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

5. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

160.603. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in subsection 3 of this section, to a sponsor. The charter shall include a mission statement for the charter school, a description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy and operational decisions of the charter school, a financial plan for the first three years of operation of the charter school including provisions for annual audits, a description of the charter school's policy for securing personnel services, its personnel policies, and personnel qualifications, a description of the grades or ages of students being served, the school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011, and an outline of criteria specified in this section designed to measure the effectiveness of the school. The charter shall also state:

(1) The educational goals and objectives to be achieved by the charter school;

(2) A description of the charter school's educational program and curriculum;

(3) The term of the charter, which shall be not less than five years, nor greater than ten years and shall be renewable;

(4) A description of the charter school's pupil performance standards, which must meet the requirements of subdivision (6) of subsection 5 of this section. The charter school program must be designed to enable each pupil to achieve such standards; and

(5) A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school.

2. Proposed charters shall be subject to the following requirements:

(1) A charter may be approved when the sponsor determines that the requirements of this section are met and

determines that the applicant is sufficiently qualified to operate a charter school. The sponsor's decision shall be made within sixty days of the filing of the proposed charter; and

(2) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial.

3. If a charter is approved by a sponsor, it shall be submitted to the state board of education which may, within forty-five days, disapprove the granting of the charter. The state board of education may disapprove a charter only on grounds that the application fails to meet the requirements of sections 160.600 to 160.611.

4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject to judicial review pursuant to chapter 536, RSMo.

5. A charter school shall, as provided in its charter:

(1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;

(2) Comply with laws and regulations of the state relating to health, safety, and minimum educational standards;

(3) Except as provided in sections 160.600 to 160.611, be exempt from all laws and rules relating to schools, governing boards and school districts;

(4) Be financially accountable, provide for an annual audit by a certified public accountant, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo;

(5) Provide a comprehensive program of instruction for at least one grade or age group up to grade twelve including kindergarten and early childhood education, as specified in its charter;

(6) Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, collect baseline data during at least the first three years for determining how the charter school is performing and to the extent applicable, participate in the essential skills tests and the nationally standardized norm-referenced achievement tests, as designated by the state board pursuant to section 160.518, complete and distribute an annual report card as prescribed in section 160.522 and report to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational innovations and the results thereof;

(7) Ensure that the needs of special education children are met in compliance with all applicable federal and state laws and regulations.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management, and operations at least once every two years.

7. (1) A sponsor may revoke a charter at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet academic performance standards as set forth in its charter, failure to meet generally accepted standards of fiscal management, or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, after which, if such plan is unsuccessful, the charter may be revoked.

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the board of directors of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action. The school's board of directors may request in writing a hearing before the sponsor within two weeks of receiving the

notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to health and safety of the children.

8. A school district may enter into a lease with a charter school for physical facilities. A charter school may not be located on the property of a school district unless the district governing board agrees.

9. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program and:

(1) With respect to a school district employee, results in one or more of the following:

(a) Disciplinary or corrective action;

(b) Transfer or reassignment;

(c) Suspension, demotion or dismissal;

(d) An unfavorable performance evaluation;

(e) A reduction in pay, benefits or awards;

(f) Elimination of the employee's position without a reduction in force by reason of lack of money or work;

(g) Other significant changes in duties or responsibilities that are inconsistent with the employee's salary or employment classification;

(2) With respect to an educational program, results in one or more of the following:

(a) Suspension or termination of the program;

(b) Transfer or reassignment of the program to a less favorable department;

(c) Relocation of the program to a less favorable site within the school or school district;

(d) Significant reduction or termination of funding for the program.

160.606. 1. A charter school shall enroll all pupils resident in this state who submit a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socio-economically isolated schools and provided such preferences conform to policies and guidelines

established by the state board of education; and

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school.

2. A charter school shall not limit admission or otherwise discriminate on the basis of race, ethnicity, national origin, disability, gender, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level.

3. A student in a charter school may opt to participate in athletic or other extracurricular activities of the school the student would otherwise attend in the student's district of residence unless the charter school offers the same activity. The charter school shall pay the reasonable costs of participating in the activity to the student's district.

160.609. 1. For the purposes of calculation and distribution of state school aid under section 163.031, RSMo, and except in a charter school located in a district which is participating in a voluntary transfer program where such rate per pupil shall be subject to negotiation between the district and the charter school, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides, except that payment of state aid for such pupil shall be made by the department of elementary and secondary education to the charter school attended as provided in subsection 2 of this section and shall not be made to the pupil's district of residence. Each charter school shall report the names, addresses, and eligibility for free or reduced price lunch or other categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside and to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. For each pupil attending a charter school, the department of elementary and secondary education shall pay to the charter school an annual amount equal to the per pupil state aid pursuant to section 163.031, RSMo, which would otherwise be received by the pupil's district of residence plus all other state aid attributable to such pupil, including summer school, if applicable, and the pupil's school district of residence shall pay to the charter school the product of the equalized, adjusted operating levy for school purposes for the pupil's district of residence for the current year times the guaranteed tax base per eligible pupil, as defined in section 163.011, RSMo, less the amount paid by the department to the charter school pursuant to this subsection. The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child. The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

3. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 and shall deduct the same amount from the next state school aid apportionment to the owing school district.

4. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services, extracurricular activities, and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented direct and indirect costs of such services shall be paid for by the charter school.

5. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

6. A charter school shall be eligible for transportation state aid pursuant to section 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

7. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school shall provide the special services provided pursuant to section 162.705, RSMo, and may provide such services pursuant to a contract with a school district or other provider of such services.

(3) Notwithstanding any provision to the contrary in section 162.857, RSMo, each school district located within a special school district may enroll a student with a disability residing in the school district in a charter school. Such enrollment shall be by contract pursuant to section 162.705, RSMo, and shall only occur by joint agreement of the parent, charter school and school district of the child's residence. Agreement from the special school district is not required. Such enrollment shall only occur if the school district has filed, and obtained approval of, a compliance plan specifically addressing students with disabilities placed with the school district in a charter school, with the department of elementary and secondary education. Waiver of compliance requirements may be requested from the department of elementary and secondary education. The department of elementary and secondary education may seek waiver approval from the United States Department of Education.

8. A charter school may not charge tuition, nor may it impose fees that a school district is prohibited from imposing.

9. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items and such debt shall not be an obligation of the school district. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with.

10. Charter schools shall not have the power to acquire property by eminent domain.

11. The governing body of a charter school is authorized to accept grants, gifts, or donations of any kind and to expend or use such grants, gifts, or donations in accordance with the conditions prescribed by the donor. A grant, gift, or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the school or contrary to the terms of the charter.

160.611. 1. If a charter school offers to retain the services of an employee of a school district, and the employee accepts a position at the charter school, the contract between the charter school and the school district may provide that an employee at the employee's option may remain an employee of the district and the charter school shall pay to the district the district's full costs of salary and benefits provided to the employee. A teacher who accepts a position at a charter school and opts to remain an employee of the district retains such teacher's permanent teacher status and seniority rights in the district.

2. A charter school may employ noncertificated instructional personnel; provided that no more than twenty percent of the full-time equivalent instructional staff positions at the school are filled by noncertificated personnel. All noncertified instructional personnel shall be supervised by certified instructional personnel. The charter school shall ensure that all instructional employees of the charter school have experience, training and skills appropriate to the instructional duties of the employee, and the charter school shall ensure that a criminal background check and child abuse registry check are conducted for each employee of the charter school prior to the hiring of the employee. Appropriate experience, training and skills of noncertificated instructional personnel shall be determined considering:

(1) Teaching certificates issued by another state or states;

(2) Certification by the National Standards Board;

(3) College degrees in the appropriate field;

(4) Evidence of technical training and competence when such is appropriate; and

(5) Level of supervision and coordination with certificated instructional staff.

3. Full-time personnel employed by the charter school may, at the charter school's option, participate in the retirement system of the school district in which the charter school is located, subject to the same terms, conditions, requirements and other provisions applicable to personnel employed by the school district."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Caskey offered **SA 1** to **SA 14**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 14

Amend Senate Amendment No. 14 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 1, Section 160.600, Line 6, by inserting after "district" as the word appears a second time, the following: "under a desegregation order".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

SA 14, as amended, was again taken up.

Senator Clay offered **SA 2** to **SA 14**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 14

Amend Senate Amendment No. 14 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 1, Line 12 of said amendment, by inserting after the word "in" the following: "**any county of the first classification with a charter form of government or in**".

Senator Clay moved that the above amendment be adopted.

Senator Jacob assumed the Chair.

At the request of Senator Clay, **SA 2** to **SA 14** was withdrawn.

SA 14, as amended, was again taken up.

Senator Flotron moved that the above amendment be adopted.

Senator Klarich requested a roll call vote be taken on the adoption of **SA 14**, as amended, and was joined in his request by Senators Ehlmann, Flotron, Kenney and Kinder.

SA 14, as amended, was adopted by the following vote:

YEAS--Senators

Bentley	Childers	Clay	Curls
DePasco	Ehlmann	Flotron	Graves
House	Kenney	Kinder	Klarich

McKenna	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Wiggins	Yeckel--22		
	NAYS--Senators		
Banks	Caskey	Goode	Howard
Jacob	Johnson	Lybyer	Mathewson
Maxwell	Quick	Westfall--11	
	Absent--Senator Staples--1		
	Absent with leave--Senators--None		

Senator Westfall offered **SA 15**, which was read:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 13, Section 162.626, Lines 24-25 of said page, by striking the following: "in the metropolitan school district"; and

Further amend said bill, Page 14, Section 162.626, Lines 1-4 of said page, by striking all of said lines and inserting in lieu thereof the following: **"groupings. The program shall be implemented in each school district subject to a federal school desegregation court order on the effective date of this section, and the state board of education shall select four other districts which apply to participate in the program and such districts shall be selected to represent, as much as practical, districts of varying size and geographic location. The program"**.

Senator Westfall moved that the above amendment be adopted, which motion failed.

President Pro Tem McKenna assumed the Chair.

Senator Westfall offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 40, Section 163.031, Lines 1-2 of said page, by striking the words "two dollars and seventy-five cents per one hundred dollars assessed valuation"; and further amend said page and section, line 2 of said page, by striking the opening bracket "[" on said line; and further amend said page and section, line 3 of said page, by striking the closing bracket "]" on said line; and further amend said page and section, lines 4-18 of said page, by striking all of said lines and inserting in lieu thereof the following: **"proration factor or the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, times the guaranteed tax base per eligible pupil times twenty-three and three-fourths percent times the following quantity: (one or, beginning in the fifth year following the effective date of this section, the quotient of the district's fiscal instructional ratio of efficiency for the prior year divided by the fiscal year 1998 statewide average fiscal instructional ratio of efficiency, if the district's prior year fiscal instructional ratio of efficiency is at least five percent below the fiscal year 1998 statewide average) times (one or, beginning in the fifth year following the effective date of this section, the quotient of the percentage of the district's students scoring at or above the proficiency level on the statewide assessment system established pursuant to section 160.518, RSMo, for the prior year divided by the percentage of students statewide scoring at or above the proficiency level for such assessment in the fifth fiscal year the district receives such funds, if the percentage of the district' students scoring at or above the proficiency level on the statewide assessment system established pursuant to section 160.518, RSMo, for the prior year is at least five percent below the percentage of students statewide scoring at or above the proficiency level for such assessment in the fifth fiscal year the district receives such funds) times the proration factor, minus court-ordered state desegregation aid received by the district for operating purposes; the career ladder"**; and

Further amend said bill, Page 47, Section 163.031, Line 22 of said page, by striking the opening bracket "[" on said line; and further amend said line by striking the closing bracket "]" on said line; and further amend said line by striking the

numeral "14(a)." and inserting in lieu thereof the following: "**The greater of:**"; and

Further amend said bill, Page 48, Section 163.031, Line 1 of said page, by striking the following: "\$2.75 per \$100 AV"; and further amend said line by striking the opening bracket "[" on said line; and further amend said page and section, lines 4-14 of said page, by striking all of said lines and inserting in lieu thereof the following: "in section 163.011 x proration **or the free and reduced lunch eligible pupil count for the district, as defined in section 163.011, x GTB x .2375 x (1.0 or, beginning in the fifth year following the effective date of this section, the district's FIRE for the prior year/statewide average FIRE for 1998, if the district's prior year FIRE is at least five percent below the FY 1998 statewide average) x (1.0 or, beginning in the fifth year following the effective date of this section, the district's percentage of students scoring at or above the proficiency level on the statewide assessment system established pursuant to section 160.518, RSMo, for the prior year/the statewide percentage of students scoring at or above the proficiency level for such assessment in the fifth fiscal year the district receives such funds, if the district's percentage of students scoring at or above the proficiency level on the statewide assessment system established pursuant to section 160.518, RSMo, for the prior year is at least five percent below the percentage of students statewide scoring at or above the proficiency level for such assessment in the fifth fiscal year the district receives such funds) x proration, minus court-ordered state desegregation aid received by the district for operating purposes** \$. . .".

Senator Westfall moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 16** and was joined in his request by Senators Childers, Howard, Maxwell and Quick.

SA 16 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Graves
Mueller	Rohrbach	Russell	Singleton
Westfall--9			
NAYS--Senators			
Banks	Caskey	Clay	Curls
DePasco	Flotron	Goode	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Quick	Schneider
Scott	Sims	Staples	Wiggins
Yeckel--25			
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Banks offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 9, Section 162.571, Line 6, by deleting the words "Except as otherwise provided in section 162.621,"; and

Further amend said bill, Page 9, Section 162.571, line 8, by deleting the brackets around the words "of twelve members"; and

Further amend said bill, Page 9, Section 162.571, line 12, by deleting the words ", except as otherwise provided in section 162.621,"; and

Further amend said bill, Page 9, Section 162.581, line 20-21, by deleting the words "to represent subdistricts as provided in section 162.601,"; and

Further amend said bill, Page 10, Section 162.581, line 9, by immediately inserting after the "." the following:

"2. Beginning with the first municipal election in an off-numbered year next following the effective date of this bill, three members of the board of education for the City of St. Louis shall be the three members of the transitional school district of the City of St. Louis as created in this act. Said three members shall be selected as provided for in section 162.1100. Said three members shall have the same powers and functions as the other nine members of the board of education in the City of St. Louis."; and

Further amend said bill, Page 10, Section 162.581, line 10, by deleting the word "2." and inserting in lieu thereof the word **"3."**; and

Further amend said bill, Page 10, Section 162.581, line 21, by deleting the word "3." and inserting in lieu thereof the word **"4."**; and

Further amend said bill, Page 10, Section 162.601, line 24, by deleting all of said section, and inserting in lieu thereof the following:

"162.601. 1. Elected members of the board in office on the effective date of this section shall hold office for the length of term for which they were elected.

2. One board member shall be elected at the first municipal election in an odd-numbered year next following the effective date of this section serve a term of six years.

3. Four board members shall be elected at the second municipal election in an odd-numbered year next following the effective date of this section, and two of such members shall be elected to five year terms and two shall be elected to four year terms.

4. Four board members shall be elected at the third municipal election in an odd-numbered year next following the effective date of this section, and three of such members shall be elected to four year terms and one shall be elected to a three year term.

5. Beginning with the fourth municipal election in an odd-numbered year next following the effective date of this section, and at each succeeding municipal election in a year during which board member terms expire, there shall be elected [at each municipal election in odd-numbered years four] three members of the board of education, who shall assume the duties of their office at the first regular meeting of the board of education after their election, and who shall hold office for [six] four years, and until their successors are elected and qualified."; and

Further amend said bill, Page 13, Section 162.621, lines 14-23, by deleting all of said lines; and

Further amend said bill, Page 20, Section 162.1100, line 12, by deleting all of said section, and inserting in lieu thereof the following:

"162.1100. 1. There is hereby established within each city not within a county a school district to be known as the "Transitional School District of (name of city)," which shall be a body corporate and politic and a subdivision of the state. The transitional school district shall be coterminous with the boundaries of the city in which the district is located.

2. The governing board of the transitional school district shall be a special administrative board, selected pursuant to section 162.081, except that each member of the special administrative board of a transitional school district shall be appointed by the governor with the advice and consent of the senate from a list of nominees provided by the state board of education. The special administrative board shall consist of two persons who are residents of the school district, who shall service without compensation, and one person who shall serve as a

compensated administrator paid in whole or in part with funds from the district. The administrator shall be a person of recognized administrative ability and management experience.

3. A final judgment as to the state of Missouri and its officials in a school desegregation case which subjects a district in which a transitional district is located in this state to a federal court's jurisdiction may authorize the governing body of a transitional school district established under this section to establish the transitional district's operating levy for school purposes, as defined pursuant to section 163.011, RSMo, at a level not to exceed eighty-five cents per one hundred dollars assessed valuation in the district. However, such levy may not occur unless said levy is authorized by a simple majority vote of the citizens of said district. The transitional school district shall not be subject to the provisions of sections 162.081, 163.021 and 163.023, RSMo, with respect to any requirements to maintain a minimum value of operating levy or any consequences provided by law for failure to levy at least such minimum rate.

4. The special administrative board established in this section shall work with the district board of education to help develop, implement, monitor and evaluate a comprehensive school improvement plan, and such plan shall be subject to review and approval of the board of education. The plan shall ensure that all students meet or exceed grade level standards.

5. The special administrative board shall make recommendations to the board of education to ensure that early children education is available throughout the district.

6. The special administrative board shall make recommendations to the board of education to ensure that vocational education instruction is provided within the district.

7. Said recommendations of the special administrative board must be enacted by the board of education within six months of being reported by the special administrative board.

8. The transitional school district in any city not within a county shall be dissolved on July 1, 2008 unless the state board determines, prior to that date, that it is necessary for the transitional district to continue to accomplish the purposes for which it was created. The state board of education may cause the termination of the transitional school district at any time upon a determination that the transitional district has accomplished the purposes for which it was established and is no longer needed. The state board of education may cause the reestablishment of the transitional school district at any time upon a determination that it is necessary for the transitional district to be reestablished to accomplish the purposes established in this section. The state board of education shall provide notice to the governor and general assembly of the termination or reestablishment of the transitional district and the termination or reestablishment shall become effective thirty days following such determination. Upon dissolution of a transitional school district pursuant to this section, nothing in this section shall be construed to reduce or eliminate any power or duty of any school district or districts containing the territory of the dissolved transitional school district unless such transitional school district is reestablished by the state board of education pursuant to this section."

Senator Banks moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 17** is out of order in that it attempts to amend previously amended material.

At the request of Senator Banks, **SA 17** was withdrawn, rendering the point of order moot.

Senator Banks offered **SA 18**, which was read:

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 26, Section 162.1100, Line 17, by inserting after said line, one new section as follows:

"1. The transitional school district in any city not within a county as established in section 162.1100 shall not take effect unless the school district in a city, not within a county is declared academically deficient as set forth pursuant to section 160.538, other sections of this act to the contrary notwithstanding."

Senator Banks moved that the above amendment be adopted, which motion failed.

Senator Banks offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 55, Section 168.221, Line 18 of said page, by inserting immediately after said line the following:

"353.200. Notwithstanding any other provisions of law to the contrary, no tax abatement or exemption shall become effective pursuant to the provisions of this chapter in a city not within a county unless and until:

(1) The governing body of the city makes a determination as to the amount of total revenue for the city, including, but not limited to, tax revenue from all sources, which will be generated by the project of the urban redevelopment corporation of which the real property at issue is a part; and

(2) The city pays to the board of education of the city an amount equal to fifty percent of such total revenue amount which shall be placed, at the district's discretion, in any of the funds established pursuant to section 165.011, RSMo, provided that any such revenues placed for operating purposes shall be deducted as payments in lieu of taxes received for operating purposes pursuant to line 3 of the state school aid formula established in subsection 6 of section 163.031, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Banks moved that the above amendment be adopted, which motion failed.

Senator Ehlmann offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 23, Section 162.1100, Line 9, by adding the following: "transitional school district any other statute to the contrary notwithstanding, shall not be subject to any certificate of tax abatement issued pursuant to sections 99.700 to 99.715. The".

Senator Ehlmann moved that the above amendment be adopted.

Senator Caskey offered **SA 1 to SA 20**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 20

Amend Senate Amendment No. 20 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 1, Line 7, by inserting after "99.715." the following: **"Any certificate of abatement issued after the effective date of this act shall not be applicable to the transitional school district."**

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

SA 20, as amended, was again taken up.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 50, Section 165.122, Line 14 of said page, by inserting immediately after all of said line the following:

"167.122. 1. Notwithstanding any provision of chapter 211, RSMo, or chapter 610, RSMo, to the contrary, the juvenile officer or an employee of the division of family services shall notify the superintendent of the school district in which the child is enrolled, or the superintendent's designee, upon request by the superintendent or designee regarding such child, when a case is active regarding the child.

2. The notification shall be made orally or in writing, in a timely manner, no later than five days following the request by the superintendent or designee. If the report is made orally, written notice shall follow in a timely manner. The notification shall include a complete description of the case involving the pupil, the conduct the child is alleged to have committed, if any, and the dates the conduct occurred but shall not include the name of any victim other than the child.

3. The superintendent or the designee of the superintendent shall report such information to teachers and other school district employees with a need to know while acting within the scope of their assigned duties. Any information received by school district officials pursuant to this section shall be received in confidence and used for the limited purposes of assuring that good order and discipline is maintained in the school, or for intervention and counseling purposes for the benefit of the child. The information shall not be part of the child's permanent record. The information shall not be used as the sole basis for not providing educational services to a pupil."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 21** is out of order in that the amendment goes beyond the scope and purpose of the bill.

Senator Wiggins assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Clay offered **SA 22**, which was read:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 11, Section 162.601, Line 23, by striking "The subdistricts shall be"; and Further amend lines 24 and 25 of said page, by striking all of said lines; and

Further amend said bill, section 162.601, page 12, lines 1 through 4, by striking all of said lines and inserting in lieu thereof the following:

"Sub-district 1 shall be comprised of wards 1, 2, 22 and 27.

Sub-district 2 shall be comprised of wards 3, 4, 5 and 21.

Sub-district 3 shall be comprised of wards 18, 19, 20, and 26.

Sub-district 4 shall be comprised of wards 6, 7, 17, and 28.

Sub-district 5 shall be comprised of wards 9, 10, 11, and 12.

Sub-district 6 shall be comprised of wards 13, 14, 16, and 25.

Sub-district 7 shall be comprised of wards 8, 15, 23, and 24.

For the purposes of this section, the wards used to determine subdistricts shall be those wards in existence on the effective date of this section as it relates to specific geographic regions."

Senator Clay moved that the above amendment be adopted, which motion failed.

Senator Childers offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 36, Section 163.011, Line 10, by inserting after said line the following:

"163.021. 1. A school district shall receive state aid for its education program only if it:

(1) Provides for a minimum of one hundred seventy-four days [and] **or** one thousand forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section 160.041, RSMo, for each pupil or group of pupils, except that the board shall provide a minimum of one hundred seventy-four days [and] **or** five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils. If any school is dismissed because of inclement weather after school has been in session for three hours, that day shall count as a school day including afternoon session kindergarten students. When the aggregate hours lost in a term due to inclement weather decreases the total hours of the school term below the required minimum number of hours by more than twelve hours for all day students or six hours for one-half day kindergarten students, all such hours below the minimum must be made up in one-half day or full day additions to the term, except as provided in section 171.033, RSMo;

(2) Maintains adequate and accurate records of attendance, personnel and finances, as required by the state board of education, which shall include the preparation of a financial statement which shall be submitted to the state board of education the same as required by the provisions of section 165.111, RSMo, for districts;

(3) Levies an operating levy for school purposes of not less than one dollar and twenty-five cents after all adjustments and reductions on each one hundred dollars assessed valuation of the district;

(4) Computes average daily attendance as defined in subdivision (2) of section 163.011 as modified by section 171.031, RSMo. Whenever there has existed within the district an infectious disease, contagion, epidemic, plague or similar condition whereby the school attendance is substantially reduced for an extended period in any school year, the apportionment of school funds and all other distribution of school moneys shall be made on the basis of the school year next preceding the year in which such condition existed.

2. [No school district shall receive more state aid, as calculated in section 163.031, for its education program than it received per eligible pupil for the school year 1990-91, unless it levies an operating levy for school purposes of not less than two dollars after all adjustments and reductions beginning with the tax year which commences January 1, 1993. For the 1994-95] **Beginning with the tax year which commences January 1, 1998, and for the 1998-99 school year and subsequent tax and school years, no school district shall receive more state aid, as calculated under section 163.031 for its education program, exclusive of categorical add-ons, than it received per eligible pupil for the school year 1993-94, unless it has an operating levy for [current] school purposes, as determined pursuant to section 163.011, of not less than two dollars and seventy-five cents after all adjustments and reductions [beginning with the tax year which commences January 1, 1994], with no more than six cents of this tax rate levied in the debt service and capital projects funds and eligible for entry on line 1 of the state school aid formula contained in subsection 6 of section 163.031;** except that, beginning in the 1997-98 school year, any district which is required, pursuant to article X, section 22 of the Missouri Constitution, to reduce its operating levy below the minimum tax rate otherwise required under this subsection shall not be construed to be in violation of this subsection for making such tax rate reduction. Pursuant to section 10(c) of article X of the state constitution, a school district may levy the operating levy for school purposes

required by this subsection less all adjustments required pursuant to article X, section 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school district is guaranteed to receive an amount not less than the amount the school district received per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply to any school district located in a county of the second classification which has a nuclear power plant located in such district or to any school district located in a county of the third classification which has an electric power generation unit with a rated generating capacity of more than one hundred fifty megawatts which is owned or operated or both by a rural electric cooperative except that such school districts may levy for current school purposes and capital projects an operating levy not to exceed two dollars and seventy-five cents less all adjustments required pursuant to article X, section 22 of the Missouri Constitution.

3. No school district shall receive more state aid, as calculated in section 163.031, for its education program, exclusive of categorical add-ons, than it received per eligible pupil for the school year 1993-1994, if the state board of education determines that the district was not in compliance in the preceding school year with the requirements of section 163.172, until such time as the board determines that the district is again in compliance with the requirements of section 163.172.

4. The department of elementary and secondary education shall evaluate the correlation between district tax rates and district assessed valuation per pupil following each biennial property tax reassessment and shall report its findings to the governor and the general assembly by December first of the year following each reassessment. The findings shall include a calculation of the minimum required property tax rate necessary to maintain a correlation of zero or less between district property tax rate and district assessed valuation per pupil and a report of assessed valuation per pupil and district property tax rate for all districts.

5. No school district shall receive state aid, pursuant to section 163.031, if such district was not in compliance, during the preceding school year, with the requirement, established pursuant to section 160.530, RSMo, to allocate revenue to the professional development committee of the district.

6. No school district shall receive more state aid, as calculated in section 163.031, for its education program, exclusive of categorical add-ons, than it received per eligible pupil for the school year 1993-1994, if the district did not comply in the preceding school year with the requirements of subsection 7 of section 163.031.

7. No school district shall receive state aid, pursuant to section 163.031, if the district failed to make a required payment in the preceding year to the school building revolving fund pursuant to section 166.300, RSMo. "; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted.

Senator Clay raised the point of order that **SA 23** is out of order in that it goes beyond the scope and intent of the bill.

Senator Mathewson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

President Pro Tem McKenna assumed the Chair.

Senator Wiggins assumed the Chair.

Senator Childers requested a division of the question on **SA 23**, asking that a vote first be taken on the portion of the amendment dealing with section 163.021.1 and that a second vote be taken on the remainder of the amendment, which request was granted.

Senator Childers moved that Part 1 be adopted, which motion failed.

Senator Childers moved that Part 2 of **SA 23** be adopted and requested a roll call vote be taken. He was joined in his

request by Senators Kenney, Mathewson, Russell and Westfall.

Part 2 of **SA 23** failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Mueller
Rohrbach	Russell	Singleton	Westfall--8
NAYS--Senators			
Banks	Caskey	Clay	Curls
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Quick
Schneider	Scott	Sims	Wiggins
Yeckel--25			
Absent--Senator Staples--1			
Absent with leave--Senators--None			

Senator Kinder offered **SA 24**:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 55, Section 168.221, Line 18 of said page, by inserting after all of said line the following:

"171.201. No changes shall be made to a pupil's schedule of classes or courses for the current school year or any future school year pursuant to any program linking education and careers, including any school-to-work program, until such changes have been approved in writing by a parent or legal guardian who has custody of the pupil."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 24**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 41, Section 163.031, Line 16 of said page, by placing an opening bracket "[" before the word "Beginning" and by placing a closing bracket "]" after the word "year,"; and further amend line 18 of said page, by placing an opening bracket "[" before ", or"; and further amend line 19 of said page, by striking all of said line and inserting in lieu thereof the following: "than zero, plus] **and** line 14 of subsection 6 of this section [; plus the"; and

Further amend said bill and section, page 42, line 6 of said page, by inserting after the period ".", the following: **"A district qualifying for an additional payment pursuant to this section shall receive an amount equal to the revenue per eligible pupil received by the district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14A of subsection 6 of this section times the quotient of the greater of zero or line 1 minus line 10 divided by the revenue per eligible pupil received by the district in the 1992-93 school year from the foundation formula entitlement payment amount."**

Senator Caskey moved that the above substitute amendment be adopted.

Senator Childers raised the point of order that **SSA 1** for **SA 24** is out of order in that it is not a true substitute amendment.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Quick assumed the Chair.

Senator Johnson assumed the Chair.

SSA 1 for **SA 24** was again taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Banks offered **SA 25**, which was read:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 13, Section 162.621, Lines 14-23 of said page, by striking all of said lines and inserting in lieu thereof the following:

"2. The special administrative board of the transitional school district containing the city not within a county shall report to the board of directors of the metropolitan school district its recommendations for implementation of a comprehensive school improvement program pursuant to section 162.1100."

Senator Banks moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Banks offered **SA 26**, which was read:

SENATE AMENDMENT NO. 26

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 49, Section 163.031, Line 11, by deleting lines 11-19.

Senator Banks moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Kenney, Russell and Schneider.

SA 26 failed of adoption by the following vote:

YEAS--Senators			
Banks	Childers	Clay	Curls
Rohrbach	Schneider	Sims--7	
NAYS--Senators			
Bentley	Caskey	DePasco	Ehlmann
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Russell	Scott
Singleton	Westfall	Wiggins	Yeckel--24
Absent--Senators			
Flotron	Goode	Staples--3	
Absent with leave--Senators--None			

Senator Clay offered **SA 27**, which was read:

SENATE AMENDMENT NO. 27

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 49, Section 163.031, Line 16 of said page, by striking the word "five" and inserting in lieu thereof the word "**fifteen**".

Senator Clay moved that the above amendment be adopted, which motion prevailed.

President Pro Tem McKenna assumed the Chair.

Senator Childers offered **SA 28**:

SENATE AMENDMENT NO. 28

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 49, Section 163.031, Line 19, by inserting after said line the following:

"165.011. 1. The following funds are created for the accounting of all school moneys: teachers' fund, incidental fund, free textbook fund, capital projects fund and debt service fund. The treasurer of the school district shall open an account for each fund specified in this section, and all moneys received from the county school fund and all moneys derived from taxation for teachers' wages shall be placed to the credit of the teachers' fund. All tuition fees, state moneys received under sections 162.975, RSMo, and 163.031, RSMo, and all other moneys received from the state except as herein provided shall be placed to the credit of the teachers' and incidental funds at the discretion of the district board of education. **The portion of state aid received by the district pursuant to section 163.031, RSMo, based upon the portion of the tax rate in the debt service or capital projects funds, respectively, which is included in the operating levy for school purposes pursuant to section 163.011, RSMo, shall be placed to the credit of the debt service fund or capital projects fund, respectively.** Money received from other districts for transportation, and money derived from taxation for incidental expenses shall be credited to the incidental fund. Money apportioned for free textbooks shall be credited to the free textbook fund. All money derived from taxation or received from any other source for the erection of buildings or additions thereto and the remodeling or reconstruction of buildings and the furnishing thereof, for the payment of lease purchase obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other buildings of any kind, or school furniture, from insurance, from sale of bonds other than refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived from the sale or lease of sites, buildings, facilities, furnishings and equipment by a school district as authorized under section 177.088, RSMo, shall be credited to the capital projects fund. Money derived from taxation for the retirement of bonds and the payment of interest thereon shall be credited to the debt service fund which shall be maintained as a separate bank account. Receipts from delinquent taxes shall be allocated to the several funds on the same basis as receipts from current taxes, except that where the previous years' obligations of the district would be affected by such distribution, the delinquent taxes shall be distributed according to the tax levies made for the years in which the obligations were incurred. All refunds received shall be placed to the credit of the fund from which the original expenditures were made. Money donated to the school districts shall be placed to the credit of the fund where it can be expended to meet the purpose for which it was donated and accepted. Money received from any other source whatsoever shall be placed to the credit of the fund or funds designated by the board.

2. The school board may expend from the incidental fund the sum that is necessary for the ordinary repairs of school property and an amount not to exceed the sum of expenditures for classroom instructional capital outlay, as defined by the department of elementary and secondary education by rule, in state-approved area vocational-technical schools and .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year for classroom instructional capital outlay, including but not limited to payments authorized pursuant to section 177.088, RSMo. Any and all payments authorized under section 177.088, RSMo, except as otherwise provided in this subsection, for the purchase or lease of sites, buildings, facilities, furnishings and equipment and all other expenditures for capital outlay shall be made from the capital projects fund. If a balance remains in the free textbook fund after books are furnished to pupils as provided in section 170.051, RSMo, it shall be transferred to the

teachers' fund. The board may transfer the portion of the balance remaining in the incidental fund to the teachers' fund that is necessary for the total payment of all contracted obligations to teachers. If a balance remains in the debt service fund, after the total outstanding indebtedness for which the fund was levied is paid, the board may transfer the unexpended balance to the capital projects fund. If a balance remains in the bond proceeds after completion of the project for which the bonds were issued, the balance shall be transferred from the incidental or capital projects fund to the debt service fund. After making all placements of interest otherwise provided by law, a school district may transfer from the capital projects fund to the incidental fund the interest earned from undesignated balances in the capital projects fund.

3. Tuition shall be paid from either the teachers' or incidental funds.

4. Other provisions of law to the contrary notwithstanding, the school board of a school district that satisfies the criteria specified in subsection 5 of this section may transfer from the incidental fund to the capital projects fund an amount not to exceed the greater of:

(1) Zero; or

(2) The sum of .18 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year and the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year and any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools and an amount not to exceed .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year less any amount transferred pursuant to subsection 7 of this section[, provided that any amount transferred pursuant to this subsection shall only be transferred as necessary to satisfy obligations of the capital projects fund] **and** less any amount expended from the incidental fund for classroom instructional capital outlay pursuant to subsection 2 of this section; **or**

(3) If in addition to meeting requirements of subsection 5 of this section, the district has bonded indebtedness of no less than eighty percent of the district's maximum allowable bonded indebtedness pursuant to section 26(b), Article VI of the Missouri constitution and the district has had an average annual increase in average daily attendance of at least three percent over the preceding three school years and the district is in compliance with or has paid all penalties required pursuant to section 165.016, RSMo, for the three preceding school years without waiver or adjustment of the base school year certified percentage and the district maintains an ending balance in the combined teachers and incidental funds of no greater than fifteen percent of the combined expenditures from those funds for the preceding school year and maintains an adjusted operating levy of not less than the lesser of the district's tax rate ceiling or two dollars and seventy-five cents per one hundred dollars assessed valuation, an amount equal to twelve percent of the district's adjusted operating levy for school purposes multiplied by the guaranteed tax base per eligible pupil for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year plus the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year plus any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools less any amount transferred pursuant to subsection 7 of this section and less any amount expended from the incidental fund for classroom instructional capital outlay pursuant to subsection 2 of this section.

For the purposes of this subsection, the guaranteed tax base and a district's count of resident and nonresident eligible pupils educated in the district shall not be less than their respective values calculated from data for the 1992-93 school year.

5. In order to transfer funds pursuant to subsection 4 of this section, a school district shall:

(1) Meet the minimum criteria for state aid and for increases in state aid for the current year established pursuant to section 163.021, RSMo;

(2) Not incur a total debt, including short-term debt and bonded indebtedness in excess of ten percent of the guaranteed tax base for the preceding payment year multiplied by the number of resident and nonresident eligible pupils educated in the district in the preceding year;

(3) Set tax rates pursuant to section 164.011, RSMo;

(4) First apply any voluntary rollbacks or reductions to the total tax rate levied to the teachers' and incidental funds;

(5) In order to be eligible to transfer funds for paying lease purchase obligations:

(a) Incur such obligations, except for obligations for lease purchase for school buses, prior to January 1, 1997;

(b) Limit the term of such obligations to no more than twenty years;

(c) Limit annual installment payments on such obligations to an amount no greater than the amount of the payment for the first full year of the obligation, including all payments of principal and interest, except that the amount of the final payment shall be limited to an amount no greater than two times the amount of such first-year payment;

(d) Limit such payments to leasing nonathletic, classroom, instructional facilities as defined by the state board of education through rule; and

(e) Not offer instruction at a higher grade level than was offered by the district on July 12, 1994.

6. A school district shall be eligible to transfer funds pursuant to subsection 7 of this section if:

(1) Prior to August 28, 1993:

(a) The school district incurred an obligation for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo;

(b) The school district notified the appropriate local election official to place an issue before the voters of the district for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo; or

(c) An issue for funding payments under a lease purchase contract authorized under section 177.088, RSMo, was approved by the voters of the district; or

(2) Prior to November 1, 1993, a school board adopted a resolution authorizing an action necessary to comply with subsection 9 of section 177.088, RSMo. Any increase in the operating levy of a district above the 1993 tax rate resulting from passage of an issue described in paragraph (b) of subdivision (1) of this subsection shall be considered as part of the 1993 tax rate for the purposes of subsection 1 of section 164.011, RSMo.

7. Prior to transferring funds pursuant to subsection 4 of this section, a school district may transfer, pursuant to this subsection, from the incidental fund to the capital projects fund an amount as necessary to satisfy an obligation of the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, but not to exceed its payments authorized under section 177.088, RSMo, for the purchase or lease of sites, buildings, facilities, furnishings, equipment, and all other expenditures for capital outlay, plus the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year plus any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools. A school district with a levy for school purposes no greater than the minimum levy specified in section 163.021, RSMo, and an obligation in the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, may transfer from the incidental fund to the capital projects fund the amount necessary to meet the obligation plus the transfers pursuant to subsection 4 of this section.

8. Beginning in the 1995-96 school year, the department of elementary and secondary education shall deduct from a school district's state aid calculated pursuant to section 163.031, RSMo, an amount equal to the amount of any transfer

of funds from the incidental fund to the capital projects fund performed during the previous year in violation of this section.

9. On or before June 30, [1995] **1999**, a school district may transfer to the capital projects fund from the balances of the teachers' and incidental funds any amount, but only to the extent that **the amount transferred pursuant to this subsection after June 30, 1995, is equal to or less than the amount that** the teachers' and incidental fund unrestricted balances on June 30, 1995, [are equal to or greater than] **exceeded** eight percent of expenditures from the teachers' and incidental funds for the year ending June 30, 1995; **provided that the repeal and reenactment of this section shall not be construed to increase the total amount of transfers allowed by a district above that amount the district was authorized to make on or before June 30, 1995, pursuant to this subsection.**

10. In addition to other transfers authorized under subsections 1 to 9 of this section, a district may transfer from the teachers' and incidental funds to the capital projects fund the amount necessary to repay costs of one or more guaranteed energy savings performance contracts to renovate buildings in the school district; provided that the contract is only for energy conservation measures, as defined in section 640.651, RSMo, and provided that the contract specifies that no payment or total of payments shall be required from the school district until at least an equal total amount of energy and energy-related operating savings and payments from the vendor pursuant to the contract have been realized by the school district."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted.

Senator Childers offered **SSA 1** for **SA 28**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 28

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 55, Section 168.221, Line 18, by inserting after all of said line the following:

"171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date and providing a minimum term of at least one hundred seventy-four days [and] **or** one thousand [forty-four] **sixty** hours of actual pupil attendance. The opening date shall not be earlier than the first day of September, except:

(1) [If the first day of September falls on Labor Day or a Saturday or Sunday, the school board in any school district may move the starting day for that term to a subsequent school day] **Any school term may begin the last Monday in August, provided that such school observes the Friday immediately preceding Labor Day as a school holiday;**

(2) In school districts in which schools are in session for twelve months of each calendar year[; and

(3) In school districts in which the school board determines students are needed for agricultural production purposes].

2. No school day shall be longer than [seven] **eight** hours [except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county].

3. This section shall terminate on July 1, 2006."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above substitute amendment be adopted.

Senator Caskey raised the point of order that **SSA 1** for **SA 28** is out of order in that the amendment goes beyond the scope and purpose of the bill.

Senator Mathewson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

President Pro Tem McKenna assumed the Chair.

At the request of Senator Childers, **SA 28** was withdrawn.

Senator Childers offered **SA 29**:

SENATE AMENDMENT NO. 29

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 55, Section 168.221, Line 18, by inserting after all of said line the following:

"168.420. 1. The state board of education shall establish, on or before April first of each school year, a schedule of no less than four nor greater than six specific professional development days for the next school year.

2. The state board of education shall schedule professional development activities, workshops, conferences and other work sessions for certificated personnel only on the professional development days scheduled for that school year; except that the state board of education may also schedule additional professional development days and professional development activities, workshops, conferences and other work sessions for certificated personnel on Saturdays, Sundays and on any day of the week during the months of June, July or August.

3. This section shall apply to professional development days and professional development activities scheduled for the 1999-2000 school year and each school year thereafter, and this section shall not apply to professional development days and professional development activities scheduled for the 1998-99 school year. This section shall not be construed to limit the professional development days scheduled by any school district."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 30**:

SENATE AMENDMENT NO. 30

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 42, Section 163.031, Line 3 of said page, by inserting immediately after the word "amount" the following: **"; provided that no district, other than a district participating in an urban voluntary school transfer program pursuant to section 162.1100, RSMo, shall receive less revenue per eligible pupil from the following sources: line 1 minus line 10 and line 14 of subsection 6 of this section, than the district received for the 1997-98 school year from those sources".**

Senator Kenney moved that the above amendment be adopted, which motion failed.

Senator Ehlmann offered **SA 31**:

SENATE AMENDMENT NO. 31

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 23, Section 162.1100, Line 20, by adding the following: "established by the state board of education pursuant to section 160.514, RSMo"; and

Further amend said page, line 22, by adding after the word "standards" the following: "consistent with the standards established by the state board of education pursuant to section 160.514, RSMo.,".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 32**:

SENATE AMENDMENT NO. 32

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 50, Section 165.122, Line 12, by adding the following: "Neither the school district nor any private entity may offer anything of pecuniary value as an inducement to attendance on a particular day for the purpose of enhancing the enrollment and average daily attendance records of any school district."

Senator Ehlmann moved that the above amendment be adopted, which motion failed.

Senator Ehlmann offered **SA 33**:

SENATE AMENDMENT NO. 33

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 17, Section 162.1060, Line 6, by adding the following after the word "functions" "except that no contractor or employee of any contractor shall have ever been a contractor or employee of the Voluntary Interdistrict Coordinating Council or any other program established by the Federal District Court; except that this restriction shall not apply to transportation contractors or their employees."

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 34**:

SENATE AMENDMENT NO. 34

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 2, Section 160.540, Line 19, by adding after the word "rewards," the following: "and punishments"; and further amend said page, line 25, after the word "development," the following: "requirements that a teacher attain a certain score on a nationally recognized test before any increase in salary is given."

Senator Ehlmann moved that above amendment be adopted, which motion failed.

Senator Caskey moved that **SS** for **SCS** for **SB 781**, as amended, be adopted, which motion prevailed.

Senator Westfall requested a roll call vote be taken on the perfection of **SS** for **SCS** for **SB 781**, as amended, and was joined in his request by Senators Caskey, Childers, Howard and Russell.

Senator House moved that **SS** for **SCS** for **SB 781**, as amended, be declared perfected and ordered printed, which motion prevailed by the following vote:

YEAS--Senators

Caskey	Clay	Curls	DePasco
Ehlmann	Flotron	Goode	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Schneider	Scott	Sims	Wiggins
Yeckel--25			

NAYS--Senators

Banks	Bentley	Childers	Graves
Rohrbach	Russell	Singleton	Westfall--8

Absent--Senator Staples--1

RESOLUTIONS

Senator Mueller offered Senate Resolution No. 1500, regarding the death of Representative William (Bill) Hand, which was adopted.

Senator Wiggins offered Senate Resolution No. 1501, regarding Captain Everett Dwight Hartung, Missouri State Highway Patrol, which was adopted.

COMMUNICATIONS

President Pro Tem McKenna submitted the following:

March 30, 1998

Senator Bill McKenna

President Pro-tem, Missouri Senate

Room 326, State Capitol Bldg.

Jefferson City, MO 65101

Dear Bill:

Please accept my resignation as a Senate Representative to the Missouri Health Facilities Review Committee effective at the conclusion of today's public hearing scheduled in the Capitol. I have enjoyed my service on this committee and am confident the members will continue their dedicated work in a difficult field in the future.

As you know, I sponsored the legislation in 1979 which created the Certificate of Need Program. At that time it was a federal mandate which was withdrawn by the United States Congress some time ago.

I was the first Senator appointed to serve on the committee in its infancy and was successful in securing the election of Rabbi Herbert J. Mandl of Kansas City as the first Chairman. The Rabbi's enlightened leadership was primarily responsible for the program's success and its emergence as one of Missouri's foremost health programs. I left the committee in 1983 and in 1995, then President Pro-tem, Jim Mathewson asked me to return which I was glad to do.

I feel I have served my time and should make room for another Senator to share this experience. It is always a pleasure and honor to accept any duty and responsibility requested by the Senate and I am confident the members and staff of the Health Facilities Review Committee will continue to fulfill their duties with excellence and efficiency.

Sincerely,

/s/ Harry

Harry Wiggins

Also,

April 1, 1998

The Honorable Danny Staples

Missouri Senate

Capitol Building, Room 418

Jefferson City, MO 65101

Dear Senator Staples:

Please be informed that I am hereby appointing you a member of the Missouri Health Facilities Review Board, Section 197.310, RSMo 1979, to fill the vacancy created by the resignation of Senator Harry Wiggins.

If you have any questions or concerns please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Missouri Senate

INTRODUCTIONS OF GUESTS

Senator House introduced to the Senate, Michelle Aubuchon, and twenty homeschool students and parents from Hawk Point.

Senator Schneider introduced to the Senate, Denise Daust, and students from St. Williams School, St. Louis; and Steven Ward, Kevin Forney, Chris Arnold, Rebekah Steitz and Nick Luft were made honorary pages.

Senator Klarich introduced to the Senate, thirteen nine through twelfth grade students from Marquette High School, Chesterfield.

Senator Sims introduced to the Senate, her grandson, Patrick Duff, McLean, Virginia; and Patrick was made an honorary page.

Senator Lybyer introduced to the Senate, Mrs. Scott, Mrs. Horbyk, Mrs. Cavanaugh, and fourth grade students from Houston Middle School, Houston; and Robbie Sutton, Amanda Boster, Jeff Gettys, Amanda Bristow, Nathan Pounds and Beth Ann Mason were made honorary pages.

Senator Kinder introduced to the Senate, Jeff Joggerst, Daisy.

Senator Sims introduced to the Senate, Debbie Wiens and Meredith Malone, and members of the American Government Class from Clayton High School, St. Louis.

Senator Caskey introduced to the Senate, Jim Merryfield, Windsor; Stan Gunnels, Archie; and James Hern, Harrisonville.

Senator Mathewson introduced to the Senate, Joe Anson, Higginsville.

Senator Kenney introduced to the Senate, students from Glendale Elementary School, Independence.

Senator Mueller introduced to the Senate, Matthew and Doug Harms, and Ryan Mughal, St. Louis; and Matthew and Ryan were made honorary pages.

Senator Lybyer introduced to the Senate, the Physician of the Day, Dr. Rebecca Kelley, M.D., Auxvasse.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FORTY-SEVENTH DAY--THURSDAY, APRIL 2, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we can never say there is no challenge for us because every time we read the Bible or attend church, bow our heads in prayer, hear of someone in need, hear of a problem unsolved, or suffering of any other human being we are challenged to make things better. Use us today. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Quick announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			

REFERRALS

President Pro Tem McKenna referred **HCR 8**, **HCR 9** and **HCR 20** to the Committee on Rules, Joint Rules and Resolutions.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SB 921**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

THIRD READING OF SENATE BILLS

SB 921, with **SCS**, introduced by Senator Rohrbach, et al, entitled:

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to telephone service for prison inmates.

Was called from the Consent Calendar and taken up.

SCS for **SB 921**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 921

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to telephone service for prison inmates.

Was taken up.

Senator Rohrbach moved that **SCS** for **SB 921** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **SB 921** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

NAYS--Senator DePasco--1

Absent--Senators

Banks	Curls	Schneider--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Graves moved that motion lay on the table, which motion prevailed.

SCS for **SJR 24**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE JOINT RESOLUTION NO. 24

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 37(e) of article III of the Constitution of Missouri relating to powers of the legislature by adding thereto three new sections relating to the

issuance of bonds for water pollution and stormwater control.

Was taken up by Senator Maxwell.

On motion of Senator Maxwell, **SCS** for **SJR 24** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senator Rohrbach--1			
Absent--Senator Russell--1			
Absent with leave--Senators--None			

Senator Wiggins assumed the Chair.

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Curls moved that motion lay on the table, which motion prevailed.

SB 800, introduced by Senator Curls, entitled:

An Act to repeal section 141.750, RSMo 1994, relating to delinquent taxes, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Curls, **SB 800** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

SCS for SBs 614, 696, 906, 530, 912, and 914, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 614, 696, 906, 530, 912 and 914

An Act to repeal sections 138.430, 196.790, 426.220, 426.230, 476.682, 478.265, 478.266, 478.267, 478.320, 478.437, 534.350, 534.360 and 535.110, RSMo 1994, and sections 105.464, 478.464, 479.500, 487.020, 488.012, 488.015, 514.040, 534.380 and 535.030, RSMo Supp. 1997, and to enact in lieu thereof twenty-six new sections relating to the judiciary.

Was taken up by Senator McKenna.

On motion of Senator McKenna **SCS for SBs 614, 696, 906, 530, 912, and 914** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Johnson	Kenney	Kinder
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

NAYS--Senator Howard--1

Absent--Senator Klarich--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SCS for SB765, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 765

An Act to repeal sections 313.530, 313.540, 313.550, 313.560, 313.580, 313.590, 313.600, 313.605, 313.610, 313.620, 313.631, 313.632, 313.640, 313.660, 313.670 and 313.710, RSMo 1994, and sections 313.500, 313.510, 313.520,

313.630, 313.652, 313.655 and 313.720, RSMo Supp. 1997, relating to horse racing and pari-mutuel wagering, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with penalty provisions.

Was taken up by Senator McKenna.

Senator McKenna moved that **SCS** for **SB 765** be read the 3rd time and finally passed, which motion failed to receive a constitutional majority by the following vote:

YEAS--Senators			
Banks	Clay	Curls	DePasco
Howard	Jacob	Lybyer	Mathewson
McKenna	Quick	Schneider	Scott
Sims	Staples	Wiggins	Yeckel--16
NAYS--Senators			
Bentley	Caskey	Childers	Ehlmann
Flotron	Goode	Graves	House
Johnson	Kenney	Kinder	Maxwell
Mueller	Rohrbach	Russell	Westfall--16
Absent--Senators			
Klarich	Singleton--2		
Absent with leave--Senators--None			

President Pro Tem McKenna assumed the Chair.

INTRODUCTIONS OF GUESTS

Senator Russell introduced to the Senate, General Robert Flowers, Ft. Leonard Wood.

General Flowers assumed the dais and addressed the members of the Senate.

President Pro Tem McKenna assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Howard moved that **SB 498**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 498**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 498

An Act to amend chapter 407, RSMo, by adding thereto nine new sections relating solely to franchises and other agreements between motorcycle dealers and motorcycle manufacturers.

Was taken up.

Senator Howard moved that **SCS** for **SB 498** be adopted.

Senator Howard offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 498, Page 11, Section 407.615, Line 1, by striking the words

"motor vehicle commission" and inserting in lieu thereof the following: "**department of revenue**".

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Schneider offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 498, Page 1, Section 407.600, Line 4, by inserting after all of said line the following:

"(2) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of six hundred pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control. For purposes of this act, any term or phrase referencing motorcycles, including parts, dealerships, franchisees, or franchisors, shall be read to include all-terrain vehicles;"; and further amend by renumbering the remaining subdivisions accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Howard moved that **SCS** for **SB 498**, as amended, be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **SB 498**, as amended, was declared perfected and ordered printed.

Senator McKenna moved that **SB 651**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 651**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 651

An Act to repeal sections 452.150, 452.310, 452.355, 452.377, 452.405, 452.411, 452.416, 452.600 and 452.605, RSMo 1994, and sections 452.340, 452.375 and 452.400, RSMo Supp. 1997, relating to child custody and child support proceedings, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator McKenna moved that **SCS** for **SB 651** be adopted.

Senator McKenna offered **SS** for **SCS** for **SB 651**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 651

An Act to repeal sections 104.540, 210.826, 210.830, 452.150, 452.310, 452.355, 452.377, 452.405, 452.411, 452.416, 452.600, 452.605 and 454.432, RSMo 1994, and sections 193.215, 210.109, 210.822, 287.820, 452.340, 452.375, 452.400, 452.423, 452.490, 454.390, 454.408, 454.413, 454.440, 454.455, 454.460, 454.490, 454.505 and 476.688, RSMo Supp. 1997, relating to child custody and child support proceedings, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with penalty provisions.

Senator McKenna moved that **SS** for **SCS** for **SB 651** be adopted.

At the request of Senator McKenna, **SB 651**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

CONCURRENT RESOLUTIONS

Senator Jacob offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 38

WHEREAS, a recent tragic event has prompted the members of this legislative body to investigate a deadly and generally overlooked situation in our neighboring state of Arkansas; and

WHEREAS, on Christmas Eve, 1997, the van in which the Marley family of Columbia, Missouri, were riding collided with a tractor-trailer while traveling on Highway 63 south of the Missouri border; and

WHEREAS, Ron Marley, age 53, his wife, Sharon Marley, age 49, and their children, Jennifer, 18, Ron, Jr., age 17, and Angela, age 14, all died as a result of this terrible accident; and

WHEREAS, this dangerous stretch of road between Mammoth Spring and Hardy is referred to as Cold Springs Curve and morbidly dubbed "Dead Man's Curve" by local residents; and

WHEREAS, Cold Springs Curve has experienced a problematic eighteen-year history with numerous accidents and deaths; and

WHEREAS, in the past nineteen months alone, fifteen people have lost their lives along this stretch of road including two firefighters from Thayer, Captain Donald Payton and David Carpenter, who were en route to another accident; and

WHEREAS, the Arkansas Highway Department has added rumble strips and grooves to add traction for cars and create tire noise to alert drivers to the hazardous area and has put up signs which indicate sharp curves and remind drivers of the 30 mile-per-hour speed limit; and

WHEREAS, the efforts of the Arkansas Highway Department have obviously failed to prevent deadly accidents from occurring; and

WHEREAS, recently a number of concerned area residents including organizer Kim Boddie; Albert Roork, chief of police in Salem; Alvin Clark, mayor of Thayer, Missouri; and Angelia Roberts, editor of the Area Wide Media in Arkansas, joined together to collect signatures for a petition urging Governor Mike Huckabee to improve the road:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Eighty-Ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby remonstrate the Arkansas Highway Department for failing to protect the lives of the motoring public by neglecting to rectify serious problems on Highway 63 between Mammoth Springs and Hardy; and

BE IT FURTHER RESOLVED that this legislative body implore Governor Mike Huckabee and the Arkansas Highway Department to swiftly take action to dramatically improve Highway 63; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Missouri State Governor Mel Carnahan and Arkansas State Governor Mike Huckabee.

Senator Mathewson assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1229**, entitled:

An Act to repeal section 105.927, RSMo 1994, relating to the state deferred compensation program, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1681** and **1342**, entitled:

An Act to repeal section 226.040, RSMo 1994, relating to the financial administration of the department of transportation, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1434**, entitled:

An Act to repeal section 301.177, RSMo 1994, and sections 301.025, 301.131, 301.140, 301.145, 301.177, 301.441, 301.443, 301.444, 301.445, 301.447, 301.448, 301.449, 301.451, 301.453, 301.454, 301.456, 301.457, 301.458, 301.459, 301.461, 301.462, 301.463, 301.464, 301.465 and 301.466, RSMo Supp. 1997, and section 301.144, as enacted by senate bill no. 70 of the first regular session of the eighty-eighth general assembly, 1995, and approved by the governor, and section 301.144, as enacted by senate bill no. 3 of the first regular session of the eighty-eighth general assembly, 1995, and approved by the governor, relating to motor vehicle license plates, and to enact in lieu thereof forty-two new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1322**, entitled:

An Act to repeal section 354.535, RSMo Supp. 1997, relating to the rights and responsibilities of contracting pharmacies and health maintenance organizations, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1455** and **1463**, entitled:

An Act to repeal sections 86.390, 86.440, 86.441, 86.483, 86.680 and 86.750, RSMo 1994, and sections 86.251, 86.256,

86.260, 86.280, 86.283, 86.287, 86.447, 86.620, 86.672 and 87.371, RSMo Supp. 1997, relating to certain police and firemen retirement benefits, and to enact in lieu thereof sixteen new sections relating to the same subject, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1526**, entitled:

An Act to repeal sections 367.044, 367.045, 367.047, 367.048 and 367.050, RSMo 1994, relating to pledged property, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1143**, entitled:

An Act to amend chapter 190, RSMo, relating to emergency services by adding thereto six new sections relating to wireless emergency telecommunications, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1070**, entitled:

An Act to repeal sections 354.618 and 376.1209, RSMo Supp. 1997, relating to insurance coverage, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1694**, entitled:

An Act relating to the Advantage Missouri Program, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1189**, entitled:

An Act to repeal sections 408.036 and 408.500, RSMo 1994, relating to credit transactions, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1636**, entitled:

An Act to repeal sections 67.1400, 67.1410, 67.1420, 67.1430, 67.1440, 67.1450, 67.1460, 67.1470, 67.1480, 67.1490, 67.1500, 67.1510, 67.1520, 67.1530, 67.1540, 67.1550 and 67.1560, RSMo Supp. 1997, relating to community improvement districts, and to enact in lieu thereof eighteen new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1837**, entitled:

An Act to repeal section 139.031, RSMo 1994, relating to property tax assessments, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1578**, entitled:

An Act to repeal section 184.360, RSMo 1994, relating to metropolitan park and museum district, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1476**, entitled:

An Act to repeal section 660.078, RSMo 1994, relating to the elderly home delivered meals trust fund, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1117**, entitled:

An Act to repeal section 67.582, RSMo Supp. 1997, relating to sales taxation, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1622**, entitled:

An Act to repeal section 247.040, RSMo Supp. 1997, relating to public water supply districts, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 948**, entitled:

An Act relating to the name of certain highways.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1627**, entitled:

An Act relating to educational sessions for parties to actions for dissolution of marriage.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HB 1834**, entitled:

An Act to repeal section 478.260, RSMo 1994, and to enact in lieu thereof one new section relating to the twenty-third judicial circuit.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1385**, entitled:

An Act to repeal section 247.070, RSMo 1994, relating to public water supply district board meetings, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1779**, entitled:

An Act to repeal section 566.030, RSMo 1994, relating to forcible rape, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1807**, entitled:

An Act to repeal sections 78.100 and 78.260, RSMo 1994, relating to certain city offices, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1847**, entitled:

An Act to repeal section 321.690, RSMo 1994, relating to fire protection district audits, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Flotron offered Senate Resolution No. 1502, regarding John Pendleton, Chesterfield, which was adopted.

Senator Wiggins offered Senate Resolution No. 1503, regarding the death of Thomas C. Reid, Grandview, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, Cindy Woolston, and twenty-five ninth grade students from Brunswick R-II School, Brunswick; and Erin Jenkins, Emily Leimkuehler, Kristen Manson and Nicole Schuchmann were made honorary pages.

Senator Rohrbach introduced to the Senate, Ana Lidia Olazagottia de Gasperini, Veronica Valeria Milovich, Walter Guillermo Ortega, Gabriela Beatriz Mareque and Maria Laura Tonello, members of the Argentina Group Study Exchange Program; and Don Alberti, Jefferson City.

Senator Graves introduced to the Senate, twenty-six ninth grade students from Linn R-I School, Purdin.

Senator Flotron introduced to the Senate, eighty fourth grade students from Pierremont Elementary School, Manchester; and Rachel Gentry, Allen

Jones, Will Cordes, Jennie Levine, Christine Heise and Peter Papulis were made honorary pages.

Senator Staples introduced to the Senate, the Physician of the Day, Dr. Gene Leroux, Doniphan.

Senator Johnson introduced to the Senate, Jeffrey, Mary Anne, Steven, Andrew, Rachel and Jack Bredemann, Kansas City; and Rachel and Jack were made honorary pages.

Senator Russell introduced to the Senate, Capt. Kaiser and Sgt. Smith, Fort Leonard Wood.

Senator Klarich introduced to the Senate, Bud Gruchalla, Chesterfield; and Greg Garrett, Ballwin.

Senator Graves introduced to the Senate, twenty-one seventh grade students and four adults from Bucklin R-II School, Bucklin.

Senator Yeckel introduced to the Senate, Mrs. O'Connor, Father Keller, Father Staley, Mr. Theiss, and seventy-two eighth grade students from St. Margaret Mary Alocoque School, St. Louis; and Patrick Steinway, Lucas Terando, Amy Flowers and Erin Seymour were made honorary pages.

Senator Childers introduced to the Senate, forty-nine seventh grade students from R-V Richards School, West Plains.

Senator Flotron introduced to the Senate, fifty-six fifth and sixth grade students from Chesterfield Day School, Chesterfield.

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Monday, April 6, 1998.

Journal of the Senate

SECOND REGULAR SESSION

FORTY-EIGHTH DAY--MONDAY, APRIL 6, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we are thankful for the life of Senator Jim Strong, for his dedication to service, for all that he did for the people of our state. We are thankful for those, who like Jim Strong, don't check out their Christianity when they check in at the Legislature. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 2, 1998, was read and approved.

Senator Quick announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 1504, regarding Aaron Cooper, Neosho, which was adopted.

Senator Mathewson offered Senate Resolution No. 1505, regarding the One Hundredth Anniversary of the Osage Chapter of the Daughters of the American Revolution, which was adopted.

Senator Mathewson offered Senate Resolution No. 1506, regarding the One Hundredth Anniversary of the Veterans of Foreign Wars of the United States, which was adopted.

Senator Wiggins offered Senate Resolution No. 1507, regarding the death of Harold A. Proctor, which was adopted.

Senator Wiggins offered Senate Resolution No. 1508, regarding the death of William Eugene "Bill" Mohart, Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 1509, regarding the death of Robert H. Williams, Leawood, Kansas, which was adopted.

Senator Wiggins offered Senate Resolution No. 1510, regarding the death of Bernard Joseph Lillis, Jr., which was adopted.

Senator Wiggins offered Senate Resolution No. 1511, regarding the death of Kendall E. King, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1512, regarding the death of Donald E. Cox, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1513, regarding the death of John Patrick Donahue, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1514, regarding the death of Thomas K. Milligan, which was adopted.

Senator Wiggins offered Senate Resolution No. 1515, regarding the death of John Richard "Jack" Senter, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1516, regarding the death of Margery N. (Stephens) Ramsey, Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 1517, regarding the death of Dorothy F. Nobrega, which was adopted.

Senator Wiggins offered Senate Resolution No. 1518, regarding the death of Anna O. Howell, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1519, regarding the death of Mary Alice Hawks, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1520, regarding the death of Lorene K. Glasscock, Grandview, which was adopted.

Senator Wiggins offered Senate Resolution No. 1521, regarding the death of Hazel Irene Christy, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1522, regarding the death of Doris Mae Griggs, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1523, regarding the death of Anna Manker Shoup, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1524, regarding the death of Ben E. Pener, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1525, regarding the death of Irma G. Woodruff, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1526, regarding the death of Dorothy Clayton Wilkinson, Lee's Summit, which was adopted.

Senator Wiggins offered Senate Resolution No. 1527, regarding the death of Steven Joseph Hooper, which was adopted.

Senator Wiggins offered Senate Resolution No. 1528, regarding the death of Sara Frances Schooley, Kansas City, which was adopted.

Senator Mathewson offered Senate Resolution No. 1529, regarding the Seventy-fifth Anniversary of the Richmond Rotary Club, which was adopted.

Senator Mueller offered Senate Resolution No. 1530, regarding Sarah Messmer, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1531, regarding Tricia Neidenbach, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1532, regarding Kelly Summers, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1533, regarding Alex Murphy, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1534, regarding Jessica Decker, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1535, regarding Tim Wilson, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1536, regarding Rebecca Briguglio, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1537, regarding Jackie Hrevus, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1538, regarding Clayton Clark, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1539, regarding Matthew Flinner, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1540, regarding Megan Long, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1541, regarding Emily Hall, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1542, regarding Trisha Zarinelli, Fenton, which was adopted.

Senator Mueller offered Senate Resolution No. 1543, regarding Sarah Kelly, Fenton, which was adopted.

Senator Kenney offered Senate Resolution No. 1544, regarding Stephen Allen Boehmer, Jr., Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1545, regarding Robert Charles (Bobby) Van Becelaere, Lee's Summit, which was adopted.

Senator House offered Senate Resolution No. 1546, regarding Joseph Bruhl, which was adopted.

Senator Sims offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1547

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 1998, the American Legion Auxiliary, Department of Missouri, is conducting the Fifty-seventh annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol, where participants could gather to gain a more realistic insight into official governmental and electoral proceedings;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, hereby grant the adult leaders and participants of the Fifty-seventh Session of Missouri Girls State permission to use the Senate Chamber for the purpose of swearing in mock legislative officials and conducting a mock legislative session on Tuesday, June 23, 1998.

SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SB 751**, with **SCA 1**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 751, Page 1, Section 135.444, Line 16, by inserting immediately after said line the following:

"5. The credit authorized pursuant to this section shall only be allowed for machinery, equipment and other tangible personal property required to conduct games of bowling in bowling alleys which are located within one hundred miles of the closest edge of the main channel of either the Mississippi River or the Missouri River."

Senator Singleton moved that the above amendment be adopted.

At the request of Senator Singleton, **SA 1** was withdrawn.

Senator Sims offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 751, Page 1, Section 135.444, Line 16, by adding the following:

"Section 1. Any taxpayer shall be entitled to a tax credit against any tax otherwise due under the provisions of chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, in the amount of twenty percent of the ad valorem property taxes paid upon manufacturing equipment or machinery purchased after December 31, 1998. The tax credit shall be limited to the property taxes paid in the year of purchase and the property taxes paid in each of the first four years thereafter. The portion of tax credits which exceeds the taxpayer's liability may be carried forward for up to five years.

2. For the purposes of this section "property taxes" paid upon distributable property, as defined in section 151.020, RSMo and sections 153.032, 153.034 and 153.036, RSMo, shall be calculated as follows: thirty-three and one-third percent of the acquisition cost of manufacturing equipment or machinery depreciated, using the depreciation method employed by the taxpayer in keeping its books and records, but not below thirty percent of said acquisition cost, times the statewide average rate of property taxes levied the preceding year as determined by the state tax commission.

3. "Manufacturing equipment and machinery" as used in this section means any machinery, equipment or parts thereof, used primarily in manufacturing, processing, compounding, mining, fabricating or producing a product."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion failed.

On motion of Senator Mathewson, **SB 751**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Childers, joined by the entire membership, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1548

WHEREAS, it is with great pride and sincere admiration that the members of the Missouri Senate suspend the work of creating laws in order to applaud the meritorious endeavors of an outstanding Missouri entertainer; and

WHEREAS, Jennifer Wilson recently released "Candle in the Wind 1997", a country version of the highly acclaimed Elton John tribute to Diana - Princess of Wales, which features the fiddle, mandolin, steel guitar, and acoustic guitar, and evokes the spirit of the song with just the right country sound; and

WHEREAS, Jennifer Wilson decided to record the song in her own distinctive style so fans of country music could enjoy this meaningful tribute to the tragic loss of the "Queen of Hearts"; and

WHEREAS, Jennifer Wilson is known, admired, and respected for volunteering her time and talent to worthy causes, and travels throughout the world with the USO in presenting concerts and programs for our servicemen in the armed forces of our military; and

WHEREAS, an individual who has been performing twice a day to sold-out crowds at Jennifer's Americana Theatre in Branson for the past five years, Jennifer Wilson has been named the All-American Music Awards Entertainer of the Year and Show of the Year winner four years in a row, and has been honored as Female Vocalist of the Year on three occasions; and

WHEREAS, Jennifer Wilson and her "Candle in the Wind 1997" have met with rave reviews from country stations all over the United States, truly a testament to the excellence in quality and significant message that she sends as country music fans join together in mourning the death of Diana - Princess of Wales:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, unanimously join in expressing our most sincere appreciation to Jennifer Wilson and her band, The Prime Time Pickers, for recording this beautiful tribute to our fallen and beloved Diana - Princess of Wales and in wishing her the best of luck with her tremendous career in the glamorous world of entertainment; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Jennifer Wilson.

President Wilson assumed the Chair.

Senator Rohrbach, joined by the entire membership of the Senate, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1549

WHEREAS, on Saturday, April 4, 1998, the state of Missouri suffered a tremendous loss with the passing of the Honorable James R. Strong, former longtime Missouri legislator; and

WHEREAS, born in Marshfield on January 10, 1921, Mr. Strong was a lifelong resident of the Jefferson City area, where he played on the Jays football team and pursued his higher education at Jefferson City Junior College; and

WHEREAS, Mr. Strong had earned the eternal gratitude of all citizens of this great land for his loyal and courageous service in the Navy aboard the USS Phoenix at Pearl Harbor on December 7, 1941, and for his subsequent valor in the South Pacific during the remainder of World War II; and

WHEREAS, a successful businessman who had been engaged in office and commercial real estate rental, Mr. Strong co-founded Strong Brothers Millwork and Lumber Company and co-owned Strong Brothers Lumber, Strong Brothers and Tharp Lumber Company, and Strong Building Supply; and

WHEREAS, Mr. Strong was a cattle farmer who had operated Circle R/S Ranch in Callaway County from 1955 to 1973; and

WHEREAS, Mr. Strong had enjoyed a distinguished political career that began in 1969 with his service as a Jefferson City City Councilman and continued at the state level with his initial election to the Missouri House of Representatives in 1973; and

WHEREAS, Mr. Strong ably and faithfully served his constituents as a State Representative for eight years before his 1982 election to the Missouri Senate; and

WHEREAS, Mr. Strong retired from the Senate in 1990, at which time he brought to completion more than two decades of outstanding service to the people of the Show-Me State; and

WHEREAS, Mr. Strong had also touched the lives of many through his affiliation with numerous organizations such as the Veterans of Foreign Wars, the American Legion, the First Presbyterian Church, the Cole County Fair Association, the Salvation Army, the Chamber of Commerce, the Cole County Historical Society, Memorial Community Hospital, St. Marys Health Center, the Cole County Republican Club, the Lions Club, the Jaycees, the Rotary Club, the United Way, the Conservation Federation of Missouri, the Jefferson City Planning and Zoning Committee, and the Cole County Volunteer Fire Department:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, pause in a moment of silent reverie to honor the memory of the late James R. Strong, to express appreciation for his proud service to Missouri and the entire nation, and to extend condolences to his wife, Frances Sue, and to his children, grandchildren, and great-grandchildren at this difficult period of sorrow and reflection; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the loved ones of our dear friend and longtime colleague, James R. Strong.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Caskey moved that the vote by which **SCS** for **SBs 541** and **822** failed on 3rd reading and final passage be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Caskey	Clay	Curls
DePasco	Goode	Howard	Jacob
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins--22		
NAYS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	House	Kenney	Kinder
Klarich	Mueller	Rohrbach	Yeckel--12
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Schneider was recognized to interrogate Senator Goode.

Senator Staples raised the point of order that the interrogation between Senators Schneider and Goode is out of order, stating that the 3rd reading vote should be put under the rules of the Senate, without debate.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

President Pro Tem McKenna assumed the Chair.

On motion of Senator Goode, **SCS** for **SBs 541** and **822** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Clay	Curls	DePasco
Goode	Jacob	Johnson	Kenney
Lybyer	Mathewson	Maxwell	McKenna

Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Wiggins--20
	NAYS--Senators		
Bentley	Caskey	Childers	Ehlmann
Flotron	Graves	House	Kinder
Klarich	Mueller	Rohrbach	Westfall
Yeckel--13			
	Absent--Senator Howard--1		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SB 498**; and **SS** for **SCS** for **SB 781**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem McKenna referred **SS** for **SCS** for **SB 781** to the Committee on State Budget Control.

President Pro Tem McKenna referred **SCR 38** to the Committee on Rules, Joint Rules and Resolutions.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stanley R. Cowan, 8017 Roy-L, Centertown, Cole County, Missouri 65023, as a public member of the Well Installation Board, for a term ending February 24, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sharlene Pietsch, 700 Lariat Lane, Rolla, Phelps County, Missouri 65401, as a public member of the Well Installation Board, for a term ending February 24, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John C. Tlapek, Republican, 271 White Oaks Lane, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2001, and until his successor is duly appointed and qualified; vice, Donald L. Harrison, deceased.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joseph F. Engeln, 2407 Topaz Drive, Columbia, Boone County, Missouri 65203, as a member of the Well Installation Board, for a term ending February 24, 2002, and until his successor is duly appointed and qualified; vice, Alice C. Fuerst, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives from its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **1013**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds, for the period beginning July 1, 1998, and ending June 30, 1999.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1862**, entitled:

An Act to amend chapter 60, RSMo, relating to land surveys by adding thereto one new section relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1043**, entitled:

An Act relating to drivers' license numbers, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1136**, entitled:

An Act to repeal sections 198.026 and 198.029, RSMo 1994, relating to convalescent, nursing and boarding homes, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1668**, entitled:

An Act to repeal section 192.1000, RSMo Supp. 1997, relating to first responder programs, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1698**, entitled:

An Act to repeal section 321.242, RSMo Supp. 1997, relating to fire protection districts, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1905**, entitled:

An Act to repeal sections 184.810 and 184.840, RSMo Supp. 1997, relating to museum districts, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SBs 707** and **484**.

Emergency clause adopted.

Bill ordered enrolled.

Senator Johnson assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 948--Transportation.

HS for **HB 1070**--Insurance and Housing.

HB 1117--Elections, Pensions and Veterans' Affairs.

HCS for **HB1143**--Commerce and Environment.

HCS for **HB1189**--Financial and Governmental Organization.

HB 1229--Appropriations.

HB 1322--Aging, Families and Mental Health.

HB 1385--Local Government and Economic Development.

HS for **HCS** for **HB 1434**--Transportation.**HS** for **HCS** for **HBs 1455** and **1463**--

Elections, Pensions and Veterans' Affairs.

HB 1476--Aging, Families and Mental Health.

HCS for **HB1526**--Commerce and Environment.

HB 1578--Corrections and General Laws.

HB 1622--Local Government and Economic Development.

HB 1627--Corrections and General Laws.

HS for **HCS** for **HB 1636**--Local Government and Economic Development.

HCS for **HBs 1681** and **1342**--

Transportation.

HS for **HB 1694**--Education.

HB 1744--Ways and Means.

HB 1779--Civil and Criminal Jurisprudence.

HB 1807--Local Government and Economic Development.

HB 1834--Corrections and General Laws.

HB 1837--Ways and Means.

HB1847--Financial and Governmental Organization.

SECOND READING OF SENATE BILLS

The following Joint Resolution was read the 2nd time and referred to the Committee indicated:

SJR 36--Judiciary.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Sarah Crothers, Sikeston; and Sarah was made an honorary page.

Senator House introduced to the Senate, his son, Benjamin, St. Charles.

Senator Bentley introduced to the Senate, Rosa Archibald, Springfield.

Senator Wiggins introduced to the Senate, Ed Ducker, Kansas City.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FORTY-NINTH DAY--TUESDAY, APRIL 7, 1998

The Senate met pursuant to adjournment.

Senator Staples in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we spend time reading about it and talking about it and even discussing it, but very little time doing something about it. Use us as ones who are known by our actions and deeds and not just for our concern and compassion. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 1550, regarding Carol Strange, Eldon, which was adopted.

Senator Quick offered Senate Resolution No. 1551, regarding Jeff Christman, Liberty, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 627**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 627**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 627

An Act to repeal sections 66.300, 92.045, 94.110, 94.270 and 94.360, RSMo 1994, and sections 144.010 and 144.020, RSMo Supp. 1997, relating to taxation, and to enact in lieu thereof nine new sections relating to the same subject.

Was taken up.

Senator Goode moved that **SCS** for **SB 627** be adopted.

Senator Goode offered **SS** for **SCS** for **SB 627**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 627

An Act to repeal sections 144.010 and 144.020, RSMo Supp. 1997, relating to utility taxation, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause.

Senator Wiggins assumed the Chair.

Senator Goode moved that **SS** for **SCS** for **SB 627** be adopted, which motion prevailed.

On motion of Senator Goode, **SS** for **SCS** for **SB 627** was declared perfected and ordered printed.

Senator Johnson announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

Senator McKenna moved that **SB 651**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 651** was again taken up.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 651, Page 57, Section 452.423, Line 3 of said page, by inserting immediately after the word "entitled" the following: "**to**"; and further amend line 4 of said page, by inserting immediately after the word "except" the following: "**a party may be entitled to more than one disqualification of a guardian ad litem**"; and

Further amend said bill, page 59, section 452.490, line 21 of said page, by inserting immediately after the word "entitled" the following: "**to**"; and further amend line 22 of said page, by inserting immediately after the word "except" the following: "**a party may be entitled to more than one disqualification of a guardian ad litem**"; and

Further amend said bill, page 77, section 454.490, line 10, of said page, by inserting after the word "county" the following: "**either the parent or the dependent child resides or**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 651, Page 50, Section 452.400, Line 23,

by inserting after the word "victim" the following: "or an offense committed in another state, when the child is the victim, that would be a felony violation of chapter 566, RSMo or section 568.020, RSMo if committed in Missouri."

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Sims offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 651, Page 32, Section 452.340.7, Line 10, by inserting after "if requested" the words "and for good cause shown".

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 651, Page 90, Line 8, by adding at the end thereof:

"Section 2. No garnishment, withholding, or other financial legal proceeding shall be levied or maintained against a party whose child support obligation has been fulfilled or brought to term by such responsible party unless entered into voluntarily by such party or by court order. The burden of proving non-compliance of such party shall rest with the Division of Child Support Enforcement, and shall verify such non-compliance upon request"; and further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Caskey offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 651, Page 35, Section 452.355, Line 17, by striking ", without good cause," and further amend said bill, section and page, line 21, by inserting after the word "order" the following: "**for good cause shown**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator McKenna moved that **SS** for **SCS** for **SB 651**, as amended, be adopted, which motion prevailed.

On motion of Senator McKenna, **SS** for **SCS** for **SB 651**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 751**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SBs 707** and **484**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem McKenna assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives from its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 10**.

HOUSE CONCURRENT RESOLUTION NO. 10

WHEREAS, teaching children to act safely around firearms is a critical step in the effort to reduce the number of firearm-related accidents among children; and

WHEREAS, the Eddie Eagle Elementary Gun Safety Education Program teaches the fundamentals of firearms safety to children in an effective and enjoyable way, communicating to them the lifesaving message offered by the program: "If you see a gun, STOP! Don't touch. Leave the area. Tell an adult"; and

WHEREAS, the nationally-recognized Eddie Eagle Elementary Gun Safety Education Program has been used by more than 10,000 public or private schools and law enforcement agencies, and has reached over 10 million children since 1988; and

WHEREAS, the Eddie Eagle Elementary Gun Safety Education Program has been presented the 1994 Golden Achievement Award of the National School Public Relations Association, the 1995 National Education Award of the American Legion, and the 1996 Award of Merit from the National Safety Council's Awards & Recognition committee of the Youth Activities Division; and

WHEREAS, the Legislature of the State of Missouri also encourages civic activists and community volunteers to adopt and promote this important program:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Eighty-Ninth General Assembly, Second Regular Session, the Senate Concurring therein, hereby encourage civic and community service organizations which are concerned about the safety and well-being of the children of our state to help provide funding for the Eddie Eagle Elementary Gun Safety Education Program at the local level; and

BE IT FURTHER RESOLVED that the Legislature of the State of Missouri hereby encourage the State Department of Education to promote the use of the Eddie Eagle Elementary Gun Safety Education Program in our schools to help prevent firearm-related accidents among children; and

BE IT FURTHER RESOLVED that the Legislature of the State of Missouri commend the National Rifle Association for its diligence and service in developing the Eddie Eagle Elementary Gun Safety Education Program and making it available for use in our communities; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House be instructed to prepare properly inscribed copies of this resolution for the Department of Education.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1907**, entitled:

An Act to repeal section 660.317, RSMo Supp. 1997, relating to criminal background checks for health care employees, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1918**, entitled:

An Act to repeal section 566.023, RSMo 1994, relating to affirmative defenses to sexual offenses, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1928**, entitled:

An Act to repeal section 701.031, RSMo 1994, relating to disposal of sewage, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1600**, entitled:

An Act to repeal sections 266.160, 266.165 and 266.185, RSMo Supp. 1997, relating to the commercial feed law, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1102**, entitled:

An Act to repeal section 565.032, RSMo 1994, relating to the death penalty, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1038**, entitled:

An Act to amend chapter 386, RSMo, relating to certain merchandising practices of utilities by adding thereto seven new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

BILL REFERRALS

President Pro Tem McKenna referred **SB 751** to the Committee on State Budget Control.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SBs 707** and **484**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Wiggins.

RESOLUTIONS

Senator Klarich offered Senate Resolution No. 1552, regarding Daniel Edward Boehme, Jr., Ballwin, which was adopted.

Senator Kinder offered Senate Resolution No. 1553, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leonard Koenig, Jackson, which was adopted.

Senator Kenney offered Senate Resolution No. 1554, regarding Jared Christopher Busse, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1555, regarding Michael Burnett Burgess, Lee's Summit, which was adopted.

Senator Schneider offered Senate Resolution No. 1556, regarding Melissa Buckman, which was adopted.

THIRD READING OF SENATE BILLS

SB 981, introduced by Senator Schneider, entitled:

An Act to repeal section 287.210, RSMo 1994, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Schneider, **SB 981** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	DePasco	Ehlmann
Goode	House	Jacob	Kenney
Kinder	Klarich	Lybyer	Maxwell

McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins--23	
	NAYS--Senator Howard--1		
	Absent--Senators		
Banks	Childers	Clay	Curls
Flotron	Graves	Johnson	Mathewson
Staples	Yeckel--10		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SS** for **SCS** for **SB 781**, begs leave to report that it has considered the same and recommends that the bill do pass.

THIRD READING OF SENATE BILLS

SCS for **SB 498**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 498

An Act to amend chapter 407, RSMo, by adding thereto nine new sections relating solely to franchises and other agreements between motorcycle dealers and motorcycle manufacturers.

Was taken up by Senator Howard.

On motion of Senator Howard, **SCS** for **SB 498** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Graves--1		
	Absent--Senators		
Curls	Mathewson	Staples--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 781**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 781

An Act to repeal sections 162.081, 162.571, 162.581, 162.601, 162.621, 162.935, 163.161, 166.275 and 168.221, RSMo 1994, and sections 163.011 and 163.031, RSMo Supp. 1997, relating to education, and to enact in lieu thereof twenty-four new sections relating to the same subject with a contingent effective date for certain sections.

Was taken up by Senator House.

Senator House moved that **SS** for **SCS** for **SB 781** be read the 3rd time and finally passed.

Senator Banks offered a substitute motion that **SS** for **SCS** for **SB 781** be referred to the Committee of the Whole, because of a constitutional objection, and action be delayed until next week, or such later date as the floor leader determines.

Senator Schneider raised the point of order that the substitute motion made by Senator Banks is out of order in that it is dilatory.

Senator Staples assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Clay assumed the Chair.

Senator Johnson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

Senator Wiggins assumed the Chair.

On motion of Senator House, **SS** for **SCS** for **SB 781** was read the 3rd time and passed by the following vote:

YEAS--Senators

Caskey	Clay	Curls	DePasco
Ehlmann	Flotron	Goode	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Schneider	Scott	Sims	Staples
Wiggins	Yeckel--26		

NAYS--Senators

Banks	Bentley	Childers	Graves
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The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

BILLS DELIVERED TO THE GOVERNOR

SCS for **SBs 707** and **484**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SCS** for **SB 627**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1734**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1562**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1468**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1352**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1304**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1480**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 944**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 1609**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1609, Page 7, Section 84.160, Line 211, by striking the following: "or for extra training and lead officer responsibilities"; and further amend line 212, by inserting after the word "salaries" the following: "**or for extra training and lead officer responsibilities in amounts not to exceed three percent of their yearly salaries for field training officer responsibilities and an additional three percent of their yearly salaries for lead officer responsibilities. The board may designate up to one hundred fifty employees as field training officers and up to fifty employees as lead officers.**".

Senator Staples, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 1802**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1300**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1730**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1730, Page 1, Section 302.130, Lines 11 and 12, by deleting all of said lines and inserting in lieu thereof the word "license"; and

Further amend said bill, Page 2, Section 302.130, Line 13, by deleting the words "**of a physical disability**"; and

Further amend said bill, page 2, Section 302.130, Line 13, by inserting immediately after all of said line the following:

"2. In the event the parent, grandparent or guardian of the person under sixteen years of age has a physical disability which prohibits or disqualifies said parent, grandparent or guardian from being a qualified licensed

operator pursuant to this section, said parent, grandparent or guardian may designate a maximum of two individuals authorized to accompany the applicant for the purpose of giving instruction in driving the motor vehicle. An authorized designee must be a licensed operator for the type of motor vehicle being operated and have attained twenty-one years of age. At least one of the designees must occupy the seat beside the applicant while giving instruction in driving the motor vehicle. The name of the authorized designees must be provided to the department of revenue by the parent, grandparent or guardian at the time of application for the temporary instruction permit. The name of each authorized designee shall be printed on the temporary instruction permit, however, the director may delay the time at which permits are printed bearing such names until the inventories of blank permits and related forms existing on the effective date of this act are exhausted."; and

Further amend said bill, Page 2, Section 302.130, Line 14, by deleting the figure "2." and inserting in lieu thereof the following: "[2.] **3.**"; and

Further amend said bill, Page 2, Section 302.130, Line 25, by deleting the figure "3." and inserting in lieu thereof the following: "[3.] **4.**"; and

Further amend said bill, Page 2, Section 302.130, Line 30, by inserting immediately after all of said line the following:

"5. The director may adopt rules and regulations necessary to carry out the provisions of this section."

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1092**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1410**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1410, Page 1, In the Title, Lines 2-3, by striking said lines and inserting in lieu thereof the following:

"To repeal sections 301.142 and 301.143, RSMo Supp. 1997, relating to physically disabled license plates and placards, and to enact in lieu thereof two new sections relating to the same subject."; and

Further amend said bill, Page 1, Section A, Lines 1-2, by striking said lines and inserting in lieu thereof the following:

"Section A. Sections 301.142 and 301.143, RSMo Supp. 1997, are repealed and two new sections enacted in lieu thereof, to be known as sections 301.142 and 301.143, to read as follows:"; and

Further amend said bill, Page 5, Section 301.142, Line 131, inserting immediately after all of said line the following:

"301.143. 1. As used in this section, the term "vehicle" shall have the same meaning given it in section 301.010, and the term "physically disabled" shall have the same meaning given it in section 301.142.

2. Political subdivisions of the state may by ordinance or resolution designate parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Owners of private property used for public parking shall also designate parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Whenever a political subdivision or owner of private property so designates a parking space, the space shall be indicated by a sign upon which shall be inscribed the international symbol of accessibility and shall also include any appropriate wording to

indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. The sign described in this subsection shall also state, or an additional sign shall be posted below or adjacent to the sign stating, the following: "\$50 to \$300 fine."

3. Any political subdivision, by ordinance or resolution, and any person or corporation in lawful possession of a public offstreet parking facility or any other owner of private property may designate reserved parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 as close as possible to the nearest accessible entrance. Such designation shall be made by posting immediately adjacent to, and visible from, each space, a sign upon which is inscribed the international symbol of accessibility, and may also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card.

4. The local police or sheriff's department may cause the removal of any vehicle not displaying a distinguishing license plate or card on which is inscribed the international symbol of accessibility and the word "disabled" issued pursuant to section 301.142 or a "disabled veteran" license plate issued pursuant to section 301.071 or a distinguishing license plate or card issued by any other state from a space designated for physically disabled persons if there is posted immediately adjacent to, and readily visible from, such space a sign on which is inscribed the international symbol of accessibility [in] and may include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. Any person who parks in a space reserved for physically disabled persons and is not displaying distinguishing license plates or a card is guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars. Any vehicle which has been removed and which is not properly claimed within thirty days thereafter shall be considered to be an abandoned vehicle.

5. Spaces designated for use by vehicles displaying the distinguishing "disabled" license plate issued pursuant to section 301.142 or 301.071 shall meet the requirements of the federal Americans with Disabilities Act, as amended, and any rules or regulations established pursuant thereto. **Notwithstanding the other provisions of this section, on-street parking spaces designated by political subdivisions in residential areas for residential use only need not meet the accessibility requirements imposed under this subsection if such parking space is requested by a resident needing such space.**

6. Any person who, without authorization, uses a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 to park in a parking space reserved under authority of this section shall be guilty of an infraction and shall be subject to a fine of not less than fifty dollars nor more than three hundred dollars.

7. Law enforcement officials may enter upon private property open to public use to enforce the provisions of this section and section 301.142, including private property designated by the owner of such property for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142.

8. Nonconforming signs or spaces otherwise required pursuant to this section which are in use prior to August 28, 1997, shall not be in violation of this section during the useful life of such signs or spaces. Under no circumstances shall the useful life of the nonconforming signs or spaces be extended by means other than those means used to maintain any sign or space on the owner's property which is not used for vehicles displaying a disabled license plate."

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1511**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1511, Page 3, Section 301.010, Lines 76 to 78, by deleting all of said lines and inserting in lieu thereof the following: "which has more than two axles. **A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any**

other provisions of law to the contrary, such truck shall be subject to".

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1596**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 1052**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 1419**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1419, Page 2, Section 210.030, Line 21, by inserting after "testing" the following: "**by the department of health**".

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 1097**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 585**, begs leave to report that it has considered the same and recommends that the bill do pass.

REFERRALS

President Pro Tem McKenna referred **HCR 10** to the Committee on Rules, Joint Rules and Resolutions.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1013**--Appropriations.

HB 1043--Corrections and General Laws.

HB1136--Aging, Families and Mental Health.

HB 1668--Corrections and General Laws.

HB1698--Financial and Governmental Organization.

HB 1862--Agriculture, Conservation, Parks and Tourism.

HB1905--Financial and Governmental Organization.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 1557, regarding Tracy Hedrick, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Yeckel introduced to the Senate, former State Senator Irene Treppler, St. Louis County.

Senator Childers introduced to the Senate, Jennifer Wilson, Bill Dailey and Frank and Peggy Wilson, Moberly.

Senator Maxwell introduced to the Senate, Jane Thomas and members of the Missouri Federation of Women's Democratic Club.

Senator Howard introduced to the Senate, Mary Findlay and Mr. and Mrs. Ray Robertson, Poplar Bluff.

Senator Mathewson introduced to the Senate, Janet and Aaron Richardson, Independence; Mercedes Gladbach, Keytesville; and Margaret Gladbach, St. Louis.

On behalf of Senator Childers and himself, Senator Westfall introduced to the Senate, Karren Ashlock, Polk County; and Donna Hayes, Barry County.

Senator Graves introduced to the Senate, forty-three fifth and sixth grade students from Horace Mann Lab School at Northwest Missouri State University, Maryville.

Senator House introduced to the Senate, Steve and Joe Ryals, Ferguson.

Senator Quick introduced to the Senate, Lisa Proposki and forty-two students from East Gate Middle School, Kansas City.

Senator McKenna introduced to the Senate, Theresa Ponzar and ninety fourth grade students from Antonia Elementary School, Imperial; and Maggie Ehlmann, Matt Kemper, Rick Wattanaparuda and David Conner were made honorary pages.

Senator Yeckel introduced to the Senate, Nancy Burke and Girl Scout Troop 398 from Beasley School, St. Louis; and Kellie McGanghey, Sarah Burke, Jennifer Dopplick, Jessica Steinmann, Julie Smith, Jessica Jones and Stefanie Joyner were made honorary pages.

Senator Lybyer introduced to the Senate, Cathy Roth, Peggy Jones, Kathy Kirk, and fourth grade students from Linn Elementary School, Linn.

Senator Graves introduced to the Senate, twenty-five students from Gilman City.

Senator Yeckel introduced to the Senate, Katharina Blankenhagen and Thomas Laubstein, Germany; and Philipp Weber, Switzerland.

Senator Mathewson introduced to the Senate, Janet Himmelberg, and thirty eighth grade students from Keytesville R-III School, Keytesville; and Daniel Woolston, Craig Moore, Haley Bentley and Dustin Bachtel were made honorary pages.

Senator McKenna introduced to the Senate, Janine Bell, and forty fourth grade students from Rockport Heights Elementary School, Arnold; and Chris Hine, Marc Ledbetter, Candice Foster and Dennis Wisniewski were made honorary pages.

On behalf of Senator Westfall and herself, Senator Bentley introduced to the Senate, Bill Pruitt, Joe Naegler and Jeff Woods, Springfield.

Senator Caskey introduced to the Senate, John West and his son, David, Belton; and David was made an honorary page.

Senator Yeckel introduced to the Senate, Paula Hesser, and members of the Hagemann School fourth grade Girl Scout Troop, St. Louis.

Senator Quick introduced to the Senate, Marie Mentrup, and forty-three eighth grade students from St. Charles School, Gladstone; and John DiCapo, Tim Esparza, Louie Malaponti and Whitney Nolte were made honorary pages.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FIFTIETH DAY--WEDNESDAY, APRIL 8, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we are thankful for those who dedicate their lives to one kind of lifestyle; not one for home and another one in public, not one to be seen and another to be practiced. Help us to live a life that is acceptable in Your sight. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

Senator Johnson assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 1907--Public Health and Welfare.

HB1918--Civil and Criminal Jurisprudence.

HB 1928--Commerce and Environment.

HB1600--Agriculture, Conservation, Parks and Tourism.

HB 1102--Civil and Criminal Jurisprudence.

SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 731, SB 714, SB 715, SB 513, SB 691, SB 857, SB 887, SB 516, SB 667, SB 491, SB 654, SB 590 and SB 873**, with SCS, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873

An Act to repeal sections 143.111, 143.161, 143.171, 144.062, RSMo 1994, and sections 144.030 and 144.805, RSMo Supp. 1997, relating to taxation, and to enact in lieu thereof nine new sections relating to the same subject, with an effective date for certain sections.

Was taken up.

Senator Wiggins moved that SCS for **SBs 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873** be adopted.

Senator Wiggins offered SS for SCS for **SBs 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873

An Act to repeal sections 143.111, 143.161, 143.171 and 144.062, RSMo 1994, and sections 144.030 and 144.805, RSMo Supp. 1997, relating to taxation, and to enact in lieu thereof ten new sections relating to the same subject, with an effective date for certain sections.

Senator Wiggins moved that SS for SCS for **SBs 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873** be adopted.

Senator Staples assumed the Chair.

President Pro Tem McKenna assumed the Chair.

Senator Mathewson requested a division of the question on the adoption of SS for SCS for **SBs 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873**, asking that a vote first be taken on Part 1 dealing with Section 143.122, a second vote be taken on Part 2 dealing with Section 143.171.5 and that a third vote be taken on the remainder of the bill, which request was granted.

Senator Mathewson requested a roll call vote be taken on Part 1 and Part 2 and was joined in his request by Senators Banks, Childers, Flotron and Jacob.

Senator Clay assumed the Chair.

President Pro Tem McKenna assumed the Chair.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516,

667, 491, 654, 590 and 873, Page 27, Section 144.805, Line 6 of said page, by inserting immediately after all of said line the following:

"147.010. 1. For the transitional year defined in subsection 4 of this section and each taxable year beginning on or after January 1, 1980, **but before January 1, 1999**, every corporation organized under or subject to chapter 351, RSMo, or under any other law of this state shall, in addition to all other fees and taxes now required or paid, pay an annual franchise tax to the state of Missouri equal to one-twentieth of one percent of the par value of its outstanding shares and surplus if its outstanding shares and surplus exceeds two hundred thousand dollars, or if the outstanding shares of such corporation or any part thereof consist of shares without par value, then, in that event, for the purpose herein contained, such shares shall be considered as having a value of five dollars per share unless the actual value of such shares should exceed five dollars per share, in which case the tax shall be levied and collected on the actual value and the surplus if the actual value and the surplus exceeds two hundred thousand dollars. If such corporation employs a part of its outstanding shares in business in another state or country, then such corporation shall pay an annual franchise tax equal to one-twentieth of one percent of its outstanding shares and surplus employed in this state if its outstanding shares and surplus employed in this state exceeds two hundred thousand dollars, and for the purposes of this chapter, such corporation shall be deemed to have employed in this state that proportion of its entire outstanding shares and surplus that its property and assets employed in this state bears to all its property and assets wherever located. A foreign corporation engaged in business in this state, whether under a certificate of authority issued under chapter 351, RSMo, or not, shall be subject to this section. Any corporation whose outstanding shares and surplus as calculated above does not exceed two hundred thousand dollars shall state that fact on a form prescribed by the secretary of state. **For all taxable years beginning on or after January 1, 1999, the annual franchise tax shall be equal to one-twenty-fifth of one percent of the par value of the corporation's outstanding shares and surplus if the outstanding shares and surplus exceeds one million dollars. Any corporation whose outstanding shares and surplus does not exceed one million dollars shall state that fact on the prescribed form.**

2. This law shall not apply to corporations not organized for profit, nor to corporations organized under the provisions of chapter 349, RSMo, nor to express companies, which now pay an annual tax on their gross receipts in this state, nor to insurance companies, which pay an annual tax on their premium receipts in this state, nor to electric and telephone corporations organized under chapters 351, RSMo, and 392, RSMo, prior to January 1, 1980, which have been declared tax exempt organizations under section 501(c) of the Internal Revenue Code of 1986, nor for taxable years beginning after December 31, 1986, to banking institutions subject to the annual franchise tax imposed by sections 148.010 to 148.110, RSMo; but bank deposits shall be considered as funds of the individual depositor left for safekeeping and shall not be considered in computing the amount of tax collectible under the provisions of this chapter.

3. A corporation's "taxable year" for purposes of this chapter shall be its taxable year as provided in section 143.271, RSMo.

4. A corporation's "transitional year" for the purposes of this chapter shall be its taxable year which includes parts of each of the years 1979 and 1980.

5. The franchise tax payable for a corporation's transitional year shall be computed by multiplying the amount otherwise due for that year by a fraction, the numerator of which is the number of months between January 1, 1980, and the end of the taxable year and the denominator of which is twelve. The franchise tax payable, if a corporation's taxable year is changed as provided in section 143.271, RSMo, shall be similarly computed under regulations prescribed by the secretary of state.

6. All franchise reports and franchise taxes shall be returned to the secretary of state who shall transfer such taxes to the director of revenue. All checks and drafts remitted for payment of franchise taxes shall be made payable to the director of revenue.

7. Section 32.057, RSMo, shall apply to the secretary of state as equally as it applies to the director of revenue and the secretary of state shall maintain the confidentiality of all franchise tax reports returned to him. Such reports, however, may be made available at any time to the director of revenue and the director of revenue will maintain their confidentiality."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Flotron offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873, Page 27, Section 144.805, Line 6 of said page, by inserting immediately after all of said line the following:

"147.010. 1. For the transitional year defined in subsection 4 of this section and each taxable year beginning on or after January 1, 1980, **but before January 1, 2000**, every corporation organized under or subject to chapter 351, RSMo, or under any other law of this state shall, in addition to all other fees and taxes now required or paid, pay an annual franchise tax to the state of Missouri equal to one-twentieth of one percent of the par value of its outstanding shares and surplus if its outstanding shares and surplus exceeds two hundred thousand dollars, or if the outstanding shares of such corporation or any part thereof consist of shares without par value, then, in that event, for the purpose herein contained, such shares shall be considered as having a value of five dollars per share unless the actual value of such shares should exceed five dollars per share, in which case the tax shall be levied and collected on the actual value and the surplus if the actual value and the surplus exceeds two hundred thousand dollars. If such corporation employs a part of its outstanding shares in business in another state or country, then such corporation shall pay an annual franchise tax equal to one-twentieth of one percent of its outstanding shares and surplus employed in this state if its outstanding shares and surplus employed in this state exceeds two hundred thousand dollars, and for the purposes of this chapter, such corporation shall be deemed to have employed in this state that proportion of its entire outstanding shares and surplus that its property and assets employed in this state bears to all its property and assets wherever located. A foreign corporation engaged in business in this state, whether under a certificate of authority issued under chapter 351, RSMo, or not, shall be subject to this section. Any corporation whose outstanding shares and surplus as calculated above does not exceed two hundred thousand dollars shall state that fact on a form prescribed by the secretary of state. **For all taxable years beginning on or after January 1, 2000, the annual franchise tax shall be equal to one-twenty-fifth of one percent of the par value of the corporation's outstanding shares and surplus if the outstanding shares and surplus exceeds one million dollars. Any corporation whose outstanding shares and surplus does not exceed one million dollars shall state that fact on the prescribed form.**

2. This law shall not apply to corporations not organized for profit, nor to corporations organized under the provisions of chapter 349, RSMo, nor to express companies, which now pay an annual tax on their gross receipts in this state, nor to insurance companies, which pay an annual tax on their premium receipts in this state, nor to electric and telephone corporations organized under chapters 351, RSMo, and 392, RSMo, prior to January 1, 1980, which have been declared tax exempt organizations under section 501(c) of the Internal Revenue Code of 1986, nor for taxable years beginning after December 31, 1986, to banking institutions subject to the annual franchise tax imposed by sections 148.010 to 148.110, RSMo; but bank deposits shall be considered as funds of the individual depositor left for safekeeping and shall not be considered in computing the amount of tax collectible under the provisions of this chapter.

3. A corporation's "taxable year" for purposes of this chapter shall be its taxable year as provided in section 143.271, RSMo.

4. A corporation's "transitional year" for the purposes of this chapter shall be its taxable year which includes parts of each of the years 1979 and 1980.

5. The franchise tax payable for a corporation's transitional year shall be computed by multiplying the amount otherwise due for that year by a fraction, the numerator of which is the number of months between January 1, 1980, and the end of the taxable year and the denominator of which is twelve. The franchise tax payable, if a corporation's taxable year is changed as provided in section 143.271, RSMo, shall be similarly computed under regulations prescribed by the

secretary of state.

6. All franchise reports and franchise taxes shall be returned to the secretary of state who shall transfer such taxes to the director of revenue. All checks and drafts remitted for payment of franchise taxes shall be made payable to the director of revenue.

7. Section 32.057, RSMo, shall apply to the secretary of state as equally as it applies to the director of revenue and the secretary of state shall maintain the confidentiality of all franchise tax reports returned to him. Such reports, however, may be made available at any time to the director of revenue and the director of revenue will maintain their confidentiality."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above substitute amendment be adopted.

Senator Schneider offered **SA 1** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873, Page 4, Line 10, by adding the following at the end of said line: "Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873, Page 6, Section 143.843, by striking all of said section from the bill and amending the title and enacting clause accordingly.".

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Wiggins, **SB 731, SB 714, SB 715, SB 513, SB 691, SB 857, SB 887, SB 516, SB 667, SB 491, SB 654, SB 590** and **SB 873**, with **SCS, SS** for **SCS, SA 1, SSA 1** for **SA 1** and **SA 1** to **SSA 1** for **SA 1** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 898**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 931**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1103**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1107**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1444**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1239**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1508**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1586**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1357**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SCS** for **SB 651**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 977** and **1608**, entitled:

An Act to repeal sections 82.1025, 441.500, 441.510, 441.530, 441.550, 441.570, 441.580, 441.590, 441.610, 441.620, 441.630, 441.641, and 701.332, RSMo 1994, and section 441.520, RSMo Supp. 1997, relating to abatement of certain property, and to enact in lieu thereof fourteen new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1441**, **937** and **1795**, entitled:

An Act to repeal sections 188.015, 188.035 and 188.075, RSMo 1994, relating to abortions, and to enact in lieu thereof three new sections relating to banning certain forms of infanticide, including infanticide by partial birth abortion, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following reports:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 1578**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 996**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 1705**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1556**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1805**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1274**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1369**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1369, Page 2, Section 250.819, Line 13, by inserting after all of said line the following:

"5. Nothing herein shall limit a party's right to seek recovery of damages or removal costs from the federal Oil Spill Liability Trust Fund."

On behalf of Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, Senator Scott submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1528**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1779**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 1228**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 986**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 1309**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 1571**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 1707**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1198**, entitled:

An Act to repeal sections 375.022 and 376.1075, RSMo 1994, relating to insurance brokers, agents and administrators, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 971**, entitled:

An Act to repeal section 211.393, RSMo Supp. 1997, relating to juvenile court personnel, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 1158**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 731, SB 714, SB 715, SB 513, SB 691, SB 857, SB 887, SB 516, SB 667, SB 491, SB 654, SB 590** and **SB 873**, with **SCS, SS** for **SCS, SA 1, SSA 1** for **SA 1** and **SA 1** to **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to **SSA 1** for **SA 1** was again taken up.

Senator Flotron offered **SSA 1** for **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

TO SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873, Page 4 of the amendment, Line 9 of said page, by inserting immediately after said line the following: "Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873, section 143.843, page 6, line 15 of said page, by deleting the word **"fifty"** as it appears on said line and inserting in lieu thereof the word **"twenty-five"**."

Senator Flotron moved that the above substitute amendment be adopted.

Senator Ehlmann raised the point of order that **SSA 1** for **SA 1** to **SSA 1** for **SA 1** is out of order in that it is not a true substitute.

Senator Johnson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SSA 1 for SA 1 to SSA 1 for SA 1 was again taken up.

Senator Schneider requested a roll vote be taken on the adoption of **SSA 1 for SA 1 to SSA 1 for SA 1** and was joined in his request by Senators Caskey, Childers, Maxwell and Russell.

At the request of Senator Flotron, **SSA 1 for SA 1 to SSA 1 for SA 1** was withdrawn.

At the request of Senator Schneider, **SA 1 to SSA 1 for SA 1** was withdrawn.

At the request of Senator Flotron, **SSA 1 for SA 1 and SA 1** were withdrawn.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873, Page 3, Section 143.111, Lines 5-14 of said page, by striking all of said section from the bill; and

Further amend said bill, page 3, Section 143.122, lines 15-23 of said page, by striking all of said section from the bill; and

Further amend said bill, page 4, Section 143.161, line 4 of said page, by striking the word "eight" and inserting in lieu thereof the following: "**nine**"; and

Further amend said bill, pages 4-6, Section 143.171, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Jacob offered **SSA 1 for SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873, Page 3, Section 143.111, Lines 5-14 of said page, by striking all of said section from the bill; and

Further amend said bill, page 3, Section 143.122, lines 15-23 of said page, by striking all of said section from the bill; and

Further amend said bill, page 4, Section 143.161, line 4 of said page, by striking the words "eight hundred" and inserting in lieu thereof the following: "**one thousand fifty**"; and

Further amend said bill, pages 4-6, Section 143.171, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above substitute amendment be adopted.

Senator Lybyer raised the point of order that **SA 2** and **SSA 1** for **SA 2** are out of order because a division of the question had been granted and the amendments touched two parts of the division.

Senator Staples assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

President Pro Tem McKenna assumed the Chair.

Senator Jacob offered **SA 1** to **SSA 1** for **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873, Page 1, Line 7, by deleting the words "**one thousand fifty**" and inserting in lieu thereof the words "**twelve hundred**".

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Kenney, Schneider, Ehlmann and Wiggins.

Senator Scott assumed the Chair.

President Pro Tem McKenna assumed the Chair.

Senator Kenney offered **SSA 1** for **SA 1** to **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1
TO SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873, Page 1, Line 7, by striking the words "one thousand fifty" and inserting in lieu thereof the words "**twelve hundred**"; and

Further amend said amendment, line 9, by inserting immediately after said line the following:

"Further amend said bill, Page 6, Section 143.843, by deleting all of said section; and".

Senator Kenney moved that the above substitute amendment be adopted.

At the request of Senator Wiggins, **SB 731, SB 714, SB 715, SB 513, SB 691, SB 857, SB 887, SB 516, SB 667, SB 491, SB 654, SB 590** and **SB 873**, with **SCS, SS** for **SCS, SA 2, SSA 1** for **SA 2, SA 1** to **SSA 1** for **SA 2** and **SSA 1** for **SA 1** to **SSA 1** for **SA 2** (pending), were placed on the Informal Calendar.

Senator Goode moved that **SB 565**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 565**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 565

An Act to repeal sections 210.211, 210.245, 210.251, 210.252, 210.256, 210.516 and 610.120, RSMo 1994, and sections 43.540 and 210.221, RSMo Supp. 1997, relating to the care or supervision of children, and to enact in lieu thereof nineteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Goode moved that **SCS** for **SB 565** be adopted.

Senator Goode offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 565, Page 8, Section 210.256, Lines 15-16, by striking the following: "or the rules promulgated by the department thereunder".

Senator Goode moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Kenney offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 565, Page 8, Section 210.256, Line 12, by deleting the opening bracket on line 12 and deleting the closing bracket on line 13; and

Further amend said bill, same page and section, lines 13-16, by deleting all new language.

Senator Kenney moved that the above substitute amendment be adopted.

At the request of Senator Kenney, **SSA 1** for **SA 1** was withdrawn.

Senator Goode moved that **SA 1** be adopted, which motion prevailed.

Senator Kenney offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 565, Page 8, Section 210.256, Line 13, by striking the word "or" and inserting in lieu thereof the words "**and if a prosecutor has declined or fails to prosecute within thirty days of a request,**".

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Quick assumed the Chair.

Senator Banks offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 565, Page 8, Section 210.301, Line 6, by striking the word "provider" and inserting in lieu thereof the following: **"child care agency"**; and further amend said line by striking the following: "section 43.540, RSMo" and inserting in lieu thereof the following: **"this section"**; and

Further amend said bill, Page 8, Section 210.301, Line 9, by striking the following: "mean providers as defined in section 43.540," and inserting in lieu thereof the following: **"include any licensed day care home, or day care home registered by the division of family services, licensed day care center, licensed child placing agency, licensed residential care facility for children, licensed group home, licensed or registered foster family group home, licensed foster family home, or employment agency that refers a child care worker to parents or guardians as defined in section 289.005,"**; and

Further amend said bill, Page 8, Section 210.301, Lines 15-16, by striking the following: "providers as defined in section 43.540," and inserting in lieu thereof the following: **"any licensed day care home, or day care home registered by the division of family services, licensed day care center, licensed child placing agency, licensed residential care facility for children, licensed group home, licensed or registered foster family group home, licensed foster family home, or employment agency that refers a child care worker to parents or guardians as defined in section 289.005,"**.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Sims offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 565, Page 15, Section 610.120, Line 28, by inserting after said line the following:

"Section 1. 1. As used in this section, the following terms mean:

- (1) "Children", natural, adopted, stepchildren, foster children, or wards who are less than eighteen years of age;**
- (2) "Net expenditures", only those amounts paid or incurred for child care services or irrevocably contributed to a fund established exclusively to contract for child care services rendered pursuant to a written contract with a third party provider less any amounts received by the qualified taxpayer from any source for the provision of child care services;**
- (3) "Qualified taxpayer", an employer who makes expenditures pursuant to this section.**

2. For taxable years commencing on or after January 1, 2000, a qualified taxpayer shall be allowed a credit against the tax imposed by chapter 143, RSMo, to the extent of ten percent of the net expenditures made directly or through a fund during a taxable year by the taxpayer in making available child care services to children of employees of the taxpayer. No credit shall be allowed for any amounts for which any other credit is claimed or allowed pursuant to chapter 143, RSMo, for the same net expenditures.

3. The tax credit allowed by this section shall be claimed by the taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143, RSMo, after all other credits provided by law have been applied. Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability may be carried forward into a subsequent taxable year as otherwise provided by law.

4. No such credit shall be allowed:

- (1) To an employer who fails to provide subsidized child care services on a sliding scale, based on need, to parents**

of at least twenty-five percent of the children served by the facility for which the credit is sought;

(2) To an employer who unfairly discriminates among the employer's employees on the basis of race, creed, religion or national origin as a factor in making available child care services, except that, it may give a preference to children of child care dependent employees in providing services qualifying for a credit pursuant to this section; or

(3) For services provided by a facility which is not licensed pursuant to the provisions of sections 210.201 to 210.245, RSMo, and subject to the regulations of the department of health governing child care facilities."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 565, Page 14, Section 210.516, Line 12, by adding after the word "treatment," on said line the following: "**children with behavioral problems assigned to such facility by a judge**,".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SCS** for **SB 565**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **SB 565**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1323**, entitled:

An Act to repeal section 370.080, RSMo 1994, relating to membership of credit unions, and to enact in lieu thereof six new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Lybyer offered Senate Resolution No. 1558, regarding Mayor Wayne Hagedorn, Hermann, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1559, regarding Missouri State Auditor, Margaret Blake Kelly, Jefferson City, which was adopted.

Senator Kenney offered Senate Resolution No. 1560, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wilbur Cathcart, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 1561, regarding David L. LeFevre, Lee's Summit, which was adopted.

Senator Russell offered Senate Resolution No. 1562, regarding the Fordland High School Boys Basketball Team, which was adopted.

Senator Maxwell offered Senate Resolution No. 1563, regarding Marjory Klingenberg, Macon, which was adopted.

Senator Yeckel offered Senate Resolution No. 1564, regarding the National Association of Civilian Conservation Corps Alumni, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, Amy Wingate, Jefferson City; and Amy was made an honorary page.

Senator Bentley introduced to the Senate, General Fred Marty and Joe Turner, Springfield.

Senator Childers introduced to the Senate, Bill Johnson, Branson.

On behalf of Senator Caskey, the President introduced to the Senate, Phil and Jean Brillhart, Robert and Juline Norman, and Bob Evers, and his daughter, Alissa, Cass County; and Alissa was made an honorary page.

Senator Westfall introduced to the Senate, Tony Patton, Walker.

Senator Flotron introduced to the Senate, the Physician of the Day, Dr. Steve Smith, St. Louis.

Senator Singleton introduced to the Senate, Mr. and Mrs. Hal McGintey, and Brent, Neosho.

Senator Singleton introduced to the Senate, Ron Langford, Webb City; and Dr. Arch Gordanier, Seneca.

Senator Rohrbach introduced to the Senate, Joyce Bludria, and eighteen fourth grade students from St. Elizabeth R-IV School, St. Elizabeth.

Senator Caskey introduced to the Senate, John Van Gorkom, Pleasant Hill.

On behalf of Senator Mathewson, Senator Caskey introduced to the Senate, Bob Pottberg, Fort Osage.

Senator Caskey introduced to the Senate, Bill Taylor and Mike Holmes, Butler.

Senator Klarich introduced to the Senate, Fritzie and Nathan Smith, St. Louis.

Senator Mueller introduced to the Senate, one hundred twenty students, teachers, chaperones and the principal of North Glendale School, Kirkwood; and Sarah Huber, A.J. Harris, Peter Broeder, McKenna Pickett, Olivia Pener, Erik Heitz, Meagan McCadden, Annie Shih and Will Bartz were made honorary pages.

Senator Bentley introduced to the Senate, Jan Parmenter, Jennifer Osborne and Jamie Sechrist, Springfield.

Senator Schneider introduced to the Senate, Peggy Sharp, and students from St. Aloysius School, St. Louis; and Nikki Theros, Katie Larko, Charlotte Kayser and Gina Duke were made honorary pages.

Senator Russell introduced to the Senate, Amie and Adam Jackson, Lebanon; and Adam was made an honorary page.

Senator Johnson introduced to the Senate, twenty-six eighth grade students from North Andrew School District, Rosendale.

Senator Ehlmann introduced to the Senate, Kim Tooley, Lisa Wildschwartz, and forty-five fifth grade students from John Weldon Elementary School, St. Charles; and Brad Benson, Autumn Edwards, Meg Ferber and Cody Wade were made honorary pages.

Senator Wiggins introduced to the Senate, Vickie Wolgast, Cindy Jobes, Dan Hille, Steve Guenther, Missy Wilson, Karen Grover, Scott Corbin, Bill Porter, Carol Pope, Sharon Harmon, Corrine Josten, Myra Everette, John Wienstroer and Jullie Houston, Kansas City.

Senator Sims introduced to the Senate, Berkley Shauds, Nick Alexander and John Uhlmer, Kirkwood; and Berkley, Nick and John were made honorary pages.

Senator DePasco introduced to the Senate, Speaker Bobby L. Hogue, Arkansas.

Senator Kenney introduced to the Senate, Jeannette Ashby, and one hundred fourth grade students from Cordill-Mason Elementary School, Blue Springs; and Nicole Stetzler, Eric Wright, Brittany Rose, Paige Newgaard and Kelly Zeilstra were made honorary pages.

Senator Bentley introduced to the Senate, Chrissy Henderson, Amy Jahn and Jamie Hunt, Springfield.

Senator Graves introduced to the Senate, Linda Pitzenberger, Gary Kelley, Earl Baker and Doug Reed, Maryville.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FIRST DAY--THURSDAY, APRIL 9, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, someone said, "The best way to have a friend is to be one." Jesus said, "Greater love has no man than this that he lay down his life for his friends." At any season of the year, we are inspired to be considered a friend of God. As we break for Easter inspire us to be a friend of all. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Howard offered Senate Resolution No. 1565, regarding Three Rivers Community College, Poplar Bluff, which was adopted.

Senator Howard offered Senate Resolution No. 1566, regarding the Eighty-fifth Birthday of Earl Sponsler, Texas County, which was adopted.

Senators DePasco, Caskey, Howard, McKenna, Westfall and Childers, joined by the entire membership, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1567

WHEREAS, the members of the Missouri Senate were distressed to learn of the recent passing of the Honorable Ralph Victor Hedrick, former longtime member of the Missouri House of Representatives; and

WHEREAS, Ralph Hedrick departed this life on March 26, 1998, after a lifetime of remarkable achievement that had spanned the course of seventy-two years; and

WHEREAS, born on May 9, 1925, Mr. Hedrick received his education in his native Sedalia and in the Appleton City schools, after which he joined the U.S. Navy and served his country with tremendous courage in the Pacific during World War II; and

WHEREAS, a decorated war hero, Mr. Hedrick made his home in the Rich Hill area in 1959, and subsequently distinguished himself as a District Manager at Taystee Bread Company; and

WHEREAS, Mr. Hedrick entered the political arena as Southern Judge of the Bates County Court and went on to earn recognition in state government upon his election to the House of Representatives in 1970; and

WHEREAS, the citizens of Bates, Vernon, Cass, and St. Clair counties had been the direct beneficiaries of Mr. Hedrick's loyalty, commitment, and competence during the eighteen years that he had been so privileged to serve them at the statehouse in Jefferson City; and

WHEREAS, Mr. Hedrick had also touched the lives of many through his affiliation with the Rich Hill Christian Church, the American Legion, the Veterans of Foreign Wars, and the Elks Lodge; and

WHEREAS, Mr. Hedrick's sons, Douglas, David, and Stephen, will always recall the special moments they had spent fishing with their Dad, and his grandchildren, Lance, Brad, Kyle, Duane, Colten, Jonelle, and Kayla, will also treasure his memory forever; and

WHEREAS, Ralph Hedrick will always be dear to the heart of his longtime companion, Evelyn Staatz of Lee's Summit:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, join in a moment of silent reverie to express appreciation for the lifetime achievements of the late Ralph Hedrick and to offer words of comfort to those he has left behind; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the loved ones of the late Ralph Hedrick.

Senator Ehlmann offered Senate Resolution No. 1568, regarding Kevin Arthur Slagle, St. Peters, which was adopted.

Senator Wiggins offered Senate Resolution No. 1569, regarding R. Crosby Kemper, Jr., Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1570, regarding the death of Milton Boone Edmonson, Kansas City, which was adopted.

BILL REFERRALS

President Pro Tem McKenna referred **SS** for **SCS** for **SB 651** to the Committee on State Budget Control.

SENATE BILLS FOR PERFECTION

At the request of Senator Mathewson, **SB 672** and **SB 774**, with **SCS**, were placed on the Informal Calendar.

Senator Mathewson moved that **SB 792** be taken up for perfection, which motion prevailed.

Senator Mathewson offered **SS** for **SB 792**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 792

An Act to repeal sections 408.100, 408.200, 408.232 and 408.233, RSMo 1994, and section 408.140, RSMo Supp. 1997, relating to financial transactions, and to enact in lieu thereof six new sections relating to the same subject.

Senator Mathewson moved that **SS** for **SB 792** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SS** for **SB 792** was declared perfected and ordered printed.

Senator Sims moved that **SB 523**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 523**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 523

An Act to amend chapter 355, RSMo, by adding thereto thirteen new sections relating to transfers of assets by nonprofit hospitals, with an emergency clause.

Was taken up.

Senator Sims moved that **SCS** for **SB 523** be adopted.

Senator Sims offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 523, Page 3, Section 355.903.2, Line 13, by adding after the word "information", the following: "**relevant to the transaction**".

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 523, Page 2, Section 355.902, Line 1, by inserting immediately after the word "hospitals" the following: "**which are not under common ownership or control**"; and further amend line 22, by inserting immediately after the word "locality" and before the comma "," the following: "**which it has acquired through merger or change in governance structure after the effective date of this act**"; and

Further amend said bill, page 7, section 355.929, line 10, by inserting immediately after "government." the following: "**Any action for judicial review shall be conducted as an appeal of a contested administrative decision as provided by chapter 536, RSMo.**".

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Sims moved that **SCS** for **SB 523**, as amended, be adopted, which motion prevailed.

On motion of Senator Sims, **SCS** for **SB 523**, as amended, was declared perfected and ordered printed.

Senator Quick announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

Senator House moved that **SB 646**, **SB 573**, **SB 527**, **SB 493**, **SB 575**, **SB 546**, **SB 663** and **SB 904**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 646**, **573**, **527**, **493**, **575**, **546**, **663** and **904**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 646, 573, 527, 493, 575, 546, 663 and 904

An Act to repeal sections 565.082 and 575.010, RSMo 1994, relating to crimes and punishment, by adding thereto eleven new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator House moved that **SCS** for **SBs 646, 573, 527, 493, 575, 546, 663** and **904** be adopted.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 646, 573, 527, 493, 575, 546, 663 and 904, Page 6, Section 577.068, Line 23, by inserting immediately after all of said line the following:

"610.122. Notwithstanding other provisions of law to the contrary, any record of arrest recorded pursuant to section 43.503, RSMo, may be expunged if the court determines that:

(1) The arrest was based on false information and the following conditions exist:

(a) There is no probable cause, at the time of the action to expunge, to believe the individual committed the offense;

[(2)] (b) No charges will be pursued as a result of the arrest;

[(3)] (c) The subject of the arrest has no prior or subsequent misdemeanor or felony convictions;

[(4)] (d) The subject of the arrest did not receive a suspended imposition of sentence for the offense for which the arrest was made or for any offense related to the arrest; and

[(5)] (e) No civil action is pending relating to the arrest or the records sought to be expunged[.]; or

(2) No criminal charges have been filed against the subject of the arrest within ten years from the date of such arrest."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Banks raised the point of order that **SCS** for **SBs 646, 573, 527, 493, 575, 546, 663** and **904** is out of order in that it contains more than one subject matter.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bill on the Informal Calendar with the point of order and **SA 1** pending.

Senator Klarich moved that **SB 515** and **SB 783**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 515** and **783**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 515 and 783

An Act relating to the civil commitment of sexual predators.

Was taken up.

President Pro Tem McKenna assumed the Chair.

Senator Klarich moved that **SCS** for **SBs 515** and **783** be adopted, which motion prevailed.

On motion of Senator Klarich, **SCS** for **SBs 515** and **783** was declared perfected and ordered printed.

Senator Caskey moved that **SB 478** be taken up for perfection, which motion prevailed.

Senator Caskey offered **SS** for **SB 478**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 478

An Act to repeal sections 217.710 and 571.030, RSMo Supp. 1997, relating to probation and parole officers, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Senator Caskey moved that **SS** for **SB 478** be adopted.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 478, Page 2, Section 217.710, Line 19, by inserting after all of said line the following:

"6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Staples offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 478, Page 1, In the Title, Line 3, by striking the following: "probation and parole officers" and inserting in lieu thereof the following: "law enforcement"; and

Further amend said bill, pages 2-6, section 571.030, by striking all of said section and inserting in lieu thereof the following:

"571.030. 1. A person commits the crime of unlawful use of weapons if he knowingly:

(1) Carries concealed upon or about his person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

- (2) Sets a spring gun; or
- (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or
- (4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
- (5) Possesses or discharges a firearm or projectile weapon while intoxicated; or
- (6) Discharges a firearm within one hundred yards of any occupied school house, courthouse, or church building; or
- (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or
- (8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any school, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof, or into any public assemblage of persons met for any lawful purpose; or
- (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense.

2. Subdivisions (1), (3), (4), (6), (7), (8) and (9) of subsection 1 of this section shall not apply to or affect any of the following:

- (1) All state, county and municipal law enforcement officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, **whether such officers are within or outside their jurisdictions or on or off duty**, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
- (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
- (3) Members of the armed forces or national guard while performing their official duty;
- (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;
- (5) Any person whose bona fide duty is to execute process, civil or criminal;
- (6) Any federal probation officer;
- (7) Any state probation or parole officer, including supervisors and members of the board of probation and parole[, authorized to carry a firearm pursuant to section 217.710, RSMo; and];
- (8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340, RSMo;
- (9) **Any peace officer retired from service as a peace officer, provided such person was, prior to retirement, certified as a peace officer pursuant to chapter 590, RSMo;**
- (10) **Any retired Missouri state court judge who meets the requirements of subsection 3 of this section; and**

(11) Any active or retired Missouri prosecuting or circuit attorney who meets the requirements of subsection 3 of this section.

3. An active or retired prosecuting attorney or retired state court judge who does not have a valid permit to carry a firearm shall complete eight hours of firearms safety training with a federal, state or local law enforcement agency before such attorney, retired attorney or retired judge may be exempted from the provisions of subsection 1 of this section.

[3.] **4.** Subdivisions (1), (5) and (8) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state.

[4.] **5.** Unlawful use of weapons is a class D felony unless committed under subdivision (5), (6), (7) or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

[5.] **6.** Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, RSMo, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

[6.] **7.** Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons."

Senator Staples moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Banks, Childers, Ehlmann and Mueller.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Clay	House	Howard
Lybyer	Maxwell	McKenna	Schneider
Scott	Sims	Staples	Wiggins
Yeckel--13			
NAYS--Senators			
Banks	Caskey	Childers	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Mueller

Absent--Senators--None

Absent with leave--Senators--None

Senator Caskey moved that **SS** for **SB 478**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SS** for **SB 478**, as amended, was declared perfected and ordered printed.

President Pro Tem McKenna ruled the pending point of order on **SCS** for **SBs 646, 573, 527, 493, 575, 546, 663** and **904**, with **SA 1**, not well taken.

SA 1 was again taken up.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 646, 573, 527, 493, 575, 546, 663 and 904, Page 1, In the Title, Line 3, by striking the words "adding thereto" and inserting the following: "enacting in lieu thereof".

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Curls offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 646, 573, 527, 493, 575, 546, 663 and 904, Page 1, Section A, Line 4, by inserting after all of said line the following:

"82.1010. 1. In addition to forfeiture proceedings under sections 513.600 to 513.645, RSMo, the governing body of any city having a population of over four hundred thousand may enact ordinances to subject motor vehicles to forfeiture as provided in this section.

2. Any such city may by ordinance require the forfeiture of any motor vehicle which is used in the illegal dumping of solid waste or demolition waste as provided in sections 260.210 and 260.211, RSMo.

3. All forfeiture proceedings pursuant to this section shall be conducted in accordance with sections 513.600 to 513.645, RSMo, except the forfeiture proceeding shall be brought by the city attorney for the city which enacted such ordinances. In addition, the city may determine the manner of using the proceeds of its forfeiture activities.

4. The ordinance shall provide that any person claiming an ownership interest in the motor vehicle subject to forfeiture shall have all the defenses to the forfeiture proceeding available to them which they may be entitled to raise under sections 513.600 to 513.645, RSMo.

5. The ordinance shall also provide that a motor vehicle shall be returned to a nonoperating owner if:

(1) The title documents registered with the department of revenue at the time of the action giving rise to the forfeiture proceeding list owners or coowners of the vehicle in addition to or other than the operator; and

(2) The nonoperating owner of the motor vehicle has not previously been the operator of a motor vehicle which has been the subject of a forfeiture proceeding authorized by this section. If a vehicle is returned to the nonoperating owner, all costs associated with the seizure, towing, storage and impoundment of the vehicle, the

payment of all court costs and reasonable attorney fees associated with the forfeiture proceeding shall be paid by the operator of the vehicle. To be entitled to return of the vehicle all owners shall execute a written agreement with the municipality stipulating and consenting to the seizure and forfeiture of the motor vehicle if the motor vehicle is subsequently operated by the same operator in violation of section 260.210 or 260.211, RSMo, which would allow the municipality to seek forfeiture of such vehicle under the ordinance enacted pursuant to this section.

6. The city may also prohibit such dumping of solid waste and demolition waste and may impose criminal fines in amounts not exceeding the fines set forth in section 260.212, RSMo. Such fines may only be imposed against the operator of the motor vehicle or others involved in the criminal act."; and

Further amend the title and enacting clause accordingly.

Senator Curls moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 646, 573, 527, 493, 575, 546, 663 and 904, Page 1, Section 306.105, Line 1, by inserting immediately before all of said line the following:

"173.800. 1. As used in this section, "exam" shall mean an exam given by an officially accredited organization who provides testing to students, the purpose of which is to qualify the students for entrance into an approved public or private institution as defined pursuant to section 173.205, RSMo.

2. A person commits the crime of exam fraud if he takes or attempts to take an exam in the place of another person who is officially recorded as taking the exam.

3. Exam fraud is a class B misdemeanor.

4. A person commits the crime of unlawful distribution of course-related materials if he provides, for compensation, to any student of an approved private or public institution, as defined in section 173.205, RSMo, any papers or other work, in any form, which paper or other work is submitted by the student to the approved public or private institution as the student's original work in conjunction with any course or program of the institution in which the student is enrolled or participates. A person shall be guilty of the crime of unlawful distribution of course-related materials if the person knows or should have known that the paper or other work would be submitted as original work by the recipient of the paper or other work.

5. Unlawful distribution of course-related materials is a class B misdemeanor."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Flotron offered **SSA 1** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 646, 573, 527, 493, 575, 546, 663 and 904, at the end, by adding the following: "It shall be illegal to ski in the state of Missouri without a personal airbag and a helmet."

Senator Flotron moved that the above substitute amendment be adopted.

Senator Kenney raised the point of order that **SSA 1** for **SA 4** is out of order in that it is not a true substitute amendment.

At the request of Senator Flotron, **SSA 1** for **SA 4** was withdrawn, rendering the point of order moot.

SA 4 was again taken up.

Senator Schneider offered **SA 1** to **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Committee Substitute for Senate Bills Nos. 646, 573, 527, 493, 575, 546, 663 and 904, Pages 1 and 2, Section 173.800.4 and .5, Lines 11 to 21 and line 1 to 4, by striking all of subdivisions 4 and 5.

Senator Schneider moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Staples assumed the Chair.

President Pro Tem McKenna assumed the Chair.

SA 4, as amended, was again taken up.

Senator Ehlmann moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Kenney, Mueller and Russell.

SA 4, as amended, was adopted by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Goode
Graves	House	Kenney	Kinder
Lybyer	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Sims--16
NAYS--Senators			
Caskey	Clay	Curls	DePasco
Flotron	Howard	Jacob	Klarich
Mathewson	McKenna	Singleton	Westfall
Wiggins	Yeckel--14		
Absent--Senators			
Banks	Johnson	Scott	Staples--4
Absent with leave--Senators--None			

Senator Sims offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 646, 573, 527, 493, 575, 546, 663 and 904, Page 1, Section 306.105, Line 4, by inserting immediately after said line the following:

"455.540. As used in sections 455.540 to 455.547, the following terms shall mean:

(1) "Adult", any person eighteen years of age or older;

(2) "Domestic violence", any dispute arising between spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past, and adults who have had a child in common regardless of whether they have been married or have resided together at any time;

(3) "Homicide", any crime which may be charged as one of the following: first degree murder pursuant to section 565.020, RSMo; second degree murder pursuant to section 565.021, RSMo; voluntary manslaughter pursuant to section 565.023, RSMo; or involuntary manslaughter pursuant to section 565.024, RSMo.

455.543. 1. In any case involving a homicide where the victim is an adult, the local law enforcement agency with jurisdiction shall make a determination as to whether there is reason to believe the homicide is related to domestic violence.

2. In making such determination, the local law enforcement agency may consider a number of factors including, but not limited to, the following:

(1) The relationship between the perpetrator and the victim;

(2) Whether the victim had previously filed for an order of protection pursuant to chapter 455, RSMo;

(3) Whether such agency has previously investigated or received reports of alleged incidents of domestic violence against the victim; and

(4) Any other evidence regarding the homicide that assists the agency in making its determination.

3. After making a determination as to whether the homicide is related to domestic violence, stating whether the homicide was related to domestic violence and which shall include the name, gender and age of the victim. The state highway patrol shall develop a form for this purpose which shall be distributed by the department of public safety to all local law enforcement agencies by October 1, 1998. Completed forms shall be forwarded to the highway patrol no later than seven days after a suspect is arrested for the homicide.

455.545. The highway patrol shall compile an annual report of homicides related to domestic violence. Such report shall be presented by February first of the subsequent year to the governor, speaker of the house of representatives, and president pro tempore of the senate.

455.547. Any employee of a law enforcement agency who, in good faith, completes and sends a form pursuant to section 455.543 shall be immune from liability."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 6:**

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 646, 573, 527, 493, 575, 546, 663 and 904, Page 1, Section 306.105, Line 4, by inserting after said line the following:

"315.067. 1. For purposes of sections 315.067 to 315.079, "hotel" shall have the same meaning as lodging establishment as defined in section 315.005.

2. A person operating a hotel, including all lodging establishments defined in section 315.005, may refuse or deny the use of a room, accommodations, facilities or other privileges of the hotel to any of the following:

(1) An individual who is unwilling or unable to pay for the room, accommodations, facilities, or other privileges of the hotel;

- (2) An individual who is visibly intoxicated, under the influence of alcohol or other drug, and is disorderly so as to create a public nuisance;**
- (3) An individual who the hotel operator reasonably believes is seeking to use a room, accommodations, facilities or other privileges of the hotel for an unlawful purpose;**
- (4) An individual who the hotel operator reasonably believes is bringing in anything which may create an unreasonable danger or risk to other persons, including but not limited to explosives or the unlawful use of firearms;**
- (5) An individual whose use of the room, accommodations, facilities or other privileges of the hotel would result in a violation of the maximum capacity of such hotel.**

2. A hotel operator who reasonably refuses or denies the use of a room, accommodations, facilities or other privileges of the hotel pursuant to this section shall not be subject to any criminal action or any fine.

315.069. The hotel operator may require a person seeking the use of a room, accommodations, facilities or other privileges of the hotel to demonstrate his or her ability to pay for such use by cash, credit card or approved check. The hotel operator may require the parent or guardian of a person under the age of eighteen to:

- (1) Accept in writing the liability for the cost of the room, accommodations, facilities or other privileges of the hotel used by the person, and the cost of any damages to the room, furnishings in the room or other facilities of the hotel caused by the person while using the room, accommodations, facilities or other privileges of the hotel;**
- (2) Provide the hotel operator with one of the following:**
 - (a) The authority to charge the amount due for the cost of the room, accommodations, facilities or other privileges of the hotel used by the person, and the cost of any damages to the room, furnishings in the room or other facilities of the hotel caused by the person while using the room, accommodations, facilities or other privileges of the hotel to a credit card used by a person under the age of eighteen. The granting of such authority shall be deemed a waiver of any defense based upon the age of such person which may be raised by the minor or the person authorizing the use of the credit card; or**
 - (b) An advance cash payment sufficient to cover the cost of the room, accommodations, facilities or other privileges of the hotel used by the person, and a reasonable amount as a deposit toward the cost of any damages to the room, furnishings in the room or other facilities of the hotel caused by the person while using the room, accommodations, facilities or other privileges of the hotel. A cash deposit for any damages required by the hotel operator shall be promptly refunded to the extent not used to cover the cost of any such damages as determined by the hotel operator following an inspection of the room, accommodations or facilities of the hotel used by the person at the end of his or her stay.**

315.075. An owner or operator of a hotel may eject a person from the hotel and notify the appropriate local law enforcement authorities for any of the following reasons:

- (1) Nonpayment of charges incurred by the individual renting or leasing a room, accommodations or facilities of the hotel when the charges are due and owing;**
- (2) The individual renting or leasing a room, accommodations or facilities of the hotel is visibly intoxicated, under the influence of alcohol or other drug and is disorderly so as to create a public nuisance;**
- (3) The owner or operator reasonably believes that the individual is using the premises for an unlawful purpose;**
- (4) The owner or operator reasonably believes that the individual has brought something into the hotel which may create an unreasonable danger or risk to other persons, including but not limited to unlawful use of firearms**

or explosives; and

(5) The individual is in violation of any federal, state or local laws or regulations relating to the hotel.

315.077. An owner or operator of a hotel shall post a copy of sections 315.067 to 315.079, in addition to any rules established by the owner or operator of the hotel, in a conspicuous place at or near the guest registration desk and in each room of the hotel.

315.079. 1. Each individual renting or leasing a room, accommodations or facilities of the hotel shall register and may be required by the owner or operator of the hotel to show proof of identity by producing a valid driver's license, other identification issued by the state or other identification satisfactory to the owner or operator. If the individual is under the age of eighteen, the owner or operator may also require a parent or guardian of the person to register.

2. The guest registry may be kept and maintained by recording, copying or reproducing the registry by any photographic, photostatic, microfilm, microcard, miniature photographic, electronic imaging, electronic data processing or other process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or reproduction of the original. "; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bills Nos. 646, 573, 527, 493, 575, 546, 663 and 904, Page 1, Section 306.105, by striking said section; and further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Schneider offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bills Nos. 646, 573, 527, 493, 575, 546, 663 and 904, Page 2, Section 565.082, Line 13, by inserting immediately after said line the following:

"570.030. 1. A person commits the crime of stealing if he appropriates property or services of another with the purpose to deprive him thereof, either without his consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

(3) That he left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he surreptitiously removed or attempted to remove his baggage from a hotel, inn or boardinghouse.

3. Stealing is a class C felony if:

- (1) The value of the property or services appropriated is [one] **seven** hundred fifty dollars or more; or
- (2) The actor physically takes the property appropriated from the person of the victim; or
- (3) The property appropriated consists of:
 - (a) Any motor vehicle, watercraft or aircraft; or
 - (b) Any will or unrecorded deed affecting real property; or
 - (c) Any credit card or letter of credit; or
 - (d) Any firearms; or
 - (e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or
 - (f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or
 - (g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or
 - (h) Any book of registration or list of voters required by chapter 115, RSMo; or
 - (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or
 - (j) Live fish raised for commercial sale with a value of seventy-five dollars; or
 - (k) Any controlled substance as defined by section 195.010, RSMo; otherwise, stealing is a class A misdemeanor.
4. The theft of any item of property or services under subsection 3 of this section which exceeds [one] **seven** hundred fifty dollars may be considered a separate felony and may be charged in separate counts.
5. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

At the request of Senator House, **SB 646, SB 573, SB 527, SB 493, SB 575, SB 546, SB 663** and **SB 904**, with **SCS** and **SA 8** (pending), were placed on the Informal Calendar.

Senator Wiggins assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Ethics, submitted the following report:

Mr. President: Your Committee on Ethics, to which was referred **HB 1120**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Clay, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **HB 1748**, begs leave to report

that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1748, Page 2, Section 294.011, Line 22, by striking the semi-colon ";" and inserting in lieu thereof a period "."; and

Further amend said bill, Page 2, Section 294.011, Lines 23-25, by striking all of said lines; and

Further amend said bill, Page 2, Section 294.030, Line 13, by striking the words "or exposition".

On behalf of Senator Curls, Chairman of the Committee on Insurance and Housing, Senator Quick submitted the following reports:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1160**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1374**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1090**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1794**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following reports:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 1718**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 1299**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 1046**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1046, Page 1, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following: "To repeal section 660.317, RSMo Supp. 1997, relating to criminal background checks, and to enact in

lieu thereof two new sections relating to the same subject."; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Section 660.317, RSMo Supp. 1997, is repealed and two new sections enacted in lieu thereof, to be known as sections 610.103 and 660.317, to read as follows:"; and

Further amend said bill, Page 1, Section 610.103, Line 8, by inserting after all of said line the following:

"660.317. 1. For the purposes of this section, the term "provider" means any person, corporation or association who:

(1) Is licensed as an operator pursuant to chapter 198, RSMo;

(2) Provides in-home services under contract with the department;

(3) Employs nurses or nursing assistants for temporary or intermittent placement in health care facilities; or

(4) Is an entity licensed pursuant to chapter 197, RSMo;

(5) Is a public or private facility, day program, residential facility or specialized service operated, funded or licensed by the department of mental health.

2. For the purpose of this section "patient or resident" has the same meaning as such term is defined in section 43.540, RSMo.

3. Beginning August 28, 1997, not later than two working days of hiring any person for a full-time, part-time or temporary position to have contact with any patient or resident the provider shall, or in the case of temporary employees hired through an employment agency, the employment agency shall prior to sending a temporary employee to a provider:

(1) Request a criminal background check as provided in section 43.540, RSMo. **Completion of an inquiry to the highway patrol for criminal records that are available for disclosure to a provider for the purpose of conducting an employee criminal records background check shall be deemed to fulfill the provider's duty to conduct employee criminal background checks pursuant to this section; except that, completing the inquiries pursuant to this subsection shall not be construed to exempt a provider from further inquiry pursuant to common law requirements governing due diligence;** and

(2) Make an inquiry to the department of social services, whether the person is listed on the employee disqualification list as provided in section 660.315.

4. When the provider requests a criminal background check pursuant to section 43.530, RSMo, the requesting entity may require that the applicant reimburse the provider for the cost of such record check.

5. An applicant for a position to have contact with patients or residents of a provider shall:

(1) Sign a consent form as required by section 43.540, RSMo, so the provider may request a criminal records review;

(2) Disclose the applicant's criminal history. For the purposes of this subdivision "criminal history" includes any conviction or a plea of guilty to a misdemeanor or felony charge and shall include any suspended imposition of sentence, any suspended execution of sentence or any period of probation or parole; and

(3) Disclose if the applicant is listed on the employee disqualification list as provided in section 660.315.

6. A provider is guilty of a class A misdemeanor if the provider knowingly hires a person to have contact with patients or residents and the person has been convicted of, pled guilty to or nolo contendere in this state or any other state or has

been found guilty of [any] **a crime, which if committed in Missouri would be a class A or B felony violation of chapter 565, 566 or 569, RSMo, or any violation of subsection 3 of section 198.070, RSMo, or section 568.020, RSMo.**

7. The highway patrol shall examine whether protocols can be developed to allow a provider to request a statewide fingerprint criminal records review check through local law enforcement agencies.

8. A provider may use a private investigatory agency rather than the highway patrol to do a criminal history records review check, and alternatively, the applicant pays the private investigatory agency such fees as the provider and such agency shall agree.

9. The department of social services shall promulgate rules and regulations to waive the hiring restrictions pursuant to this section for good cause. For purposes of this section, "good cause" means the department has made a determination by examining the employee's prior work history and other relevant factors that such employee does not present a risk to the health or safety of residents."

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 1239**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 1300**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 1352**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 1779**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 8**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Concurrent Resolution No. 8, Page 501 of the Senate Journal for Tuesday, March 31, 1998, Column 2, Line 23 of said column, by striking "S." and inserting in lieu thereof the following: "S"; and further amend line 25 of said column, by striking "S." and inserting in lieu thereof the following: "S"; and

Further amend said resolution and journal, page 502, column 1, line 24 of said column, by striking "S." and inserting in lieu thereof the following: "S"; and further amend line 42 of said column, by striking "S." and inserting in lieu thereof the following: "S".

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 9**, begs leave to

report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 10**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 20**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 37**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 37

WHEREAS, the elderly population in the state is growing at a significant and unprecedented rate; and

WHEREAS, the increasing elderly population in the state will place unprecedented demands upon the state's health delivery system; and

WHEREAS, the federal government's approach to state mandates and entitlements regarding medicare and medicaid funding for the elderly is changing; and

WHEREAS, the health care industry has evolved into a new era of managed care, provider networks, home health care, and alternative methods for the delivery of services; and

WHEREAS, the elderly expect that their needs will be provided in an environment that allows greater flexibility through a "continuum of care"; and

WHEREAS, elderly citizens could benefit from "one stop shopping" where they can receive the required government assistance through a single government office; and

WHEREAS, an in-depth study and evaluation must be made of the alternatives and strategies available for the delivery of services to the growing elderly population in Missouri;

NOW THEREFORE BE IT RESOLVED that the members of the Senate, Eighty-ninth General Assembly, the House of Representatives concurring therein, hereby establish the "Joint Interim Committee on Aging" to be composed of ten members. The members shall consist of five state senators appointed by the President pro tem of the Senate representing each political party, and five representatives appointed by the Speaker of the House of Representatives, with no more than three from each house being members of the same political party; and

BE IT FURTHER RESOLVED that the President pro tem of the Senate and the Speaker of the House of Representatives shall appoint the members of the committee by June 1, 1998, and such committee shall meet within ten days of its establishment and organize by selecting a chairman and vice-chairman, one of whom shall be a member of the Senate and the other a member of the House of Representatives; and

BE IT FURTHER RESOLVED that the committee may solicit any input and information necessary to fulfill its obligations from the Department of Social Services and representatives of citizen groups formed to address issues regarding Missouri's elderly population; and

BE IT FURTHER RESOLVED that the Governor's Advisory Council on Aging supports the concept of an interim committee on aging as established by the General Assembly, and furthermore, the Council agrees to be available to advise and assist the Joint Interim Committee on Aging with this initiative however possible, and shall be prepared to provide representation on the committee; and

BE IT FURTHER RESOLVED that the committee shall make an in-depth study and evaluation of the alternatives and strategies for the delivery of state services to the growing aging population in Missouri; and

BE IT FURTHER RESOLVED that the committee shall prepare a report, together with its recommendations for any legislative action it deems

necessary for submission to the Governor and General Assembly by January 5, 1999, and then shall be dissolved; and

BE IT FURTHER RESOLVED that the expenses of committee members and legislative staff, the actual and necessary expenses of the committee, and the costs of any outside consultants necessary for the committee to complete its study shall be paid from the Joint Contingent Fund, subject to prior approval by the Senate Committee on Administration; and

BE IT FURTHER RESOLVED that the staff of Senate Research and House Research and the Committee on Legislative Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to be delivered to the Governor and the Director of the Department of Social Services.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SB 565**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Theodore J. Steiling, Sr., as a member of the Elevator Safety Board;

Also,

Ronald L. Phillips, as a member of the State Board of Registration for the healing Arts;

Also,

Quentin C. Wilson, as a member of the Multistate Tax Commission;

Also,

Stephen M. Mahfood, as a member of the Low-Level Radioactive Waste Compact Advisory Committee;

Also,

Stephen M. Mahfood, as a member of the Midwest Interstate Low-Level Radioactive Waste Commission;

Also,

Stephen M. Mahfood, as a member of the Interstate Mining Commission;

Also,

Janice Lea Dye, as a member of the Southwest Missouri State University Board of Governors;

Also,

Douglas W. Burnett and Michael A. Wolff, as members of the Consolidated Health Care Plan Board of Trustees;

Also,

Craig F. Lowther, as public member of the Missouri Real Estate Commission;

Also,

Dean E. Freeman, as a member of the Dam and Reservoir Safety Council.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

REFERRALS

President Pro Tem McKenna referred **SCS** for **SB 565** to the Committee on State Budget Control.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HS for **HCS** for **HB 1323**--Corrections and General Laws.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1799**, entitled:

An Act to repeal section 565.070, RSMo 1994, relating to assault, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator House, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 955**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 968**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1088**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1162**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1588**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1747**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, Senator McKenna submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 892**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 1571, regarding Dr. Henry W. Clever, Jr., St. Charles, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Cheryl and Betsy White and Sarah Crothers, Sikeston; and Betsy was made an honorary page.

Senator Kenney introduced to the Senate, Garry, Janice and Corey Lee, Lee's Summit; and Corey was made an honorary page.

On behalf of Senator McKenna, the President introduced to the Senate, Tina and Allen Hamilton and Jacob Wagoner, Imperial; and Allen and Jacob were made honorary pages.

Senator Staples introduced to the Senate, Pat Henson, and eighth grade students from Belleview; and Adam Barton and Tim Jones were made honorary pages.

Senator Mueller introduced to the Senate, eighty-seven fourth grade students from Westchester Elementary School, St. Louis.

Senator Yeckel introduced to the Senate, Linda Rasch, John Oexeman, and Cub Scout Pack 161 from St. Simon School, St. Louis; and Andrew Rathman, Kevin Reeder and Nathan Yannitz were made honorary pages.

Senator Lybyer introduced to the Senate, Mrs. McBride and a group from Edgar Springs.

Senator Caskey introduced to the Senate, Sharon Tippitt, and nine fourth grade students from Heartland High School and Academy, Belton.

Senator Singleton introduced to the Senate, Brian Hinkle, Tom Greeding, Donna Schmidt, Ty Slaughter, Lauren Yust, Kendra Durbin, Heidi Lanning, Alan Lamar, Racheal McGriff, Megan Phillips, Jennifer Letterman, Kassy Lankford and Billy Fenix, Seneca.

On behalf of Senator McKenna, the President introduced to the Senate, David and Christine Michelle Garrett and John and Julianne Helen Martin, Jefferson County; and Christine Michelle and Julianne Helen were made honorary pages.

On motion of Senator Quick, the Senate adjourned until 4:00 p.m., Tuesday, April 14, 1998.

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SECOND DAY--TUESDAY, APRIL 14, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, the flowers were blooming today, the trees were getting a pretty green color and I could see them. There was some good news on the radio and someone kindly said hello and I could hear them. We observed Easter on Sunday and experienced the presence of the living God. We give thanks for more blessings than we can number. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Quick moved that the Journal for Thursday, April 9, 1998, be corrected on page 598, column 1, line 23, by deleting the numeral "1" and inserting in lieu thereof the numeral "2", which motion prevailed.

The Journal for Thursday, April 9, 1998, was read and approved, as corrected.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

- Senator Wiggins offered Senate Resolution No. 1572, regarding the death of Dr. Dominic Frank Tuter, which was adopted.
- Senator Mathewson offered Senate Resolution No. 1573, regarding the Fiftieth Anniversary of the Marshall Chamber of Commerce, which was adopted.
- Senator Mathewson offered Senate Resolution No. 1574, regarding the Seventy-fifth Anniversary of the Richmond Kiwanis Club, which was adopted.
- Senator Mathewson offered Senate Resolution No. 1575, regarding the Seventy-ninth Anniversary of the Higginsville

American Legion Post, which was adopted.

Senator Flotron offered Senate Resolution No. 1576, regarding Lauri Leadford, St. Louis, which was adopted.

Senator Staples offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1577

WHEREAS, there is no moment of greater sorrow than when the members of the Missouri Senate pause to honor the memory of a young citizen who perished while striving to save the lives of others; and

WHEREAS, nine-year-old Brittany Berger recently lost her life as a result of her valiant efforts to rescue her six-year-old sister and her two-year-old brother from a fire that erupted at the family home in Park Hills; and

WHEREAS, Brittany Berger gave her life on that tragic day when fire engulfed her home and threatened the safety of the dear ones who had meant so very much to her; and

WHEREAS, a true hero at the tender age of nine, Brittany Berger managed to save her sister, Katie, by dropping her out a second-floor bedroom window six feet above the ground; and

WHEREAS, assured of her sister's safety, Brittany Berger sought to rescue her little brother, David Noll, II, who certainly was not able to help himself; and

WHEREAS, in the course of her subsequent rescue attempt, Brittany Berger was overcome by smoke and collapsed in a back bedroom on the second floor of the house, where she and David had been found; and

WHEREAS, although young David suffered smoke inhalation, he survived the traumatic ordeal which claimed the life of his heroic sister, Brittany; and

WHEREAS, this legislative body continues to marvel at the bravery displayed by young Brittany Berger in her desperate attempt to save her two younger siblings:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, join unanimously in reflecting upon the selfless, courageous acts of young Brittany Berger who made the supreme sacrifice out of love for her sister and brother and in extending our most heartfelt condolences to her family whose gratitude for Brittany's valor will always be bittersweet; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the loved ones of young Brittany Berger.

Senator Scott assumed the Chair.

Senator Yeckel offered Senate Resolution No. 1578, regarding Andrew William Rhodes, Crestwood, which was adopted.

Senator Russell offered Senate Resolution No. 1579, regarding the Marshfield High School Lady Blue Jays Basketball Team, which was adopted.

Senator Kenney offered Senate Resolution No. 1580, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Rust, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1581, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Bilyeu, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1582, regarding Robert Dale "Bobby" Yocklin, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 1583, regarding Jesse Card, Kansas City, which was adopted.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for **HCS** for **HB 971**--Civil and Criminal Jurisprudence.

HS for **HCS** for **HBs 977** and **1608**-- Insurance and Housing.

HCS for **HB1038**--Commerce and Environment.

HS for **HCS** for **HB 1198**--Insurance and Housing.

HS for **HCS** for **HBs1441, 937** and **1795**--Judiciary.

HCS for **HB1799**--Civil and Criminal Jurisprudence.

Senator Johnson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 731, SB 714, SB 715, SB 513, SB 691, SB 857, SB 887, SB 516, SB 667, SB 491, SB 654, SB 590** and **SB 873**, with **SCS, SS** for **SCS, SA 2, SSA 1** for **SA 2, SA 1** to **SSA 1** for **SA 2** and **SSA 1** for **SA 1** to **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 1** to **SSA 1** for **SA 2** was again taken up.

At the request of Senator Kenney, the above substitute amendment was withdrawn.

Senator Jacob offered **SSA 2** for **SA 1** to **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 1

TO SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873, Page 1, Line 7, by striking the words "one thousand fifty" and inserting in lieu thereof the words "**twelve hundred**"; and

Further amend said amendment, line 9, by inserting immediately after said line the following:

"Further amend said bill, Page 6, Section 143.843, by deleting all of said section; and".

Senator Jacob moved that the above substitute amendment be adopted.

Senator Wiggins requested a roll call vote be taken on the adoption of **SSA 2** for **SA 1** to **SSA 1** for **SA 2** and was joined in his request by Senators Childers, Mueller, Singleton and Westfall.

SSA 2 for **SA 1** to **SSA 1** for **SA 2** was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Graves	House	Howard
Jacob	Kenney	Lybyer	Mathewson
Maxwell	Russell	Sims	Singleton
Westfall--17			

NAYS--Senators

Curls	Ehlmann	Flotron	Goode
Johnson	Kinder	Klarich	McKenna
Mueller	Quick	Rohrbach	Schneider
Wiggins	Yeckel--14		

Absent--Senators--None

Absent with leave--Senators

DePasco	Scott	Staples--3
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SSA 1 for **SA 2**, as amended, was again taken up.

At the request of Senator Wiggins, **SB 731**, **SB 714**, **SB 715**, **SB 513**, **SB 691**, **SB 857**, **SB 887**, **SB 516**, **SB 667**, **SB 491**, **SB 654**, **SB 590** and **SB 873**, with **SCS**, **SS** for **SCS**, **SA 2** and **SSA 1** for **SA 2**, as amended (pending), were placed on the Informal Calendar.

Senator Schneider moved that **SB 471**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 471**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 471

An Act to repeal sections 105.500, 105.510, 105.520, 105.525 and 105.530, RSMo 1994, and to enact in lieu thereof eight new sections relating to good faith employee negotiations.

Was taken up.

Senator Schneider moved that **SCS** for **SB 471** be adopted.

Senator Schneider offered **SS** for **SCS** for **SB 471**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 471

An Act to repeal sections 105.500, 105.510, 105.520, 105.525 and 105.530, RSMo 1994, and to enact in lieu thereof seven new sections relating to good faith employee negotiations, with penalty provisions.

Senator Schneider moved that **SS** for **SCS** for **SB 471** be adopted.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 471, Page 12, Section 1, Line 16 of said page, by inserting immediately after all of said line the following:

"(1) "Arbitration", the procedure whereby the parties involved in an impasse or grievance dispute submit their differences to a third party for a determinative decision and impasse disputes shall be subject to legislative approval as provided pursuant to section 3 of this act;"; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill, Page 14, Section 2, Line 2 of said page, by striking the words "If the mediator"; and

Further amend said bill, Page 14, Section 2, Lines 3-7 of said page, by striking all of said lines and inserting in lieu thereof the following:

"Section 3. 1. With respect to negotiations between a public body and an exclusive representative, if the mediator determines that mediation services are no longer helpful, either party may submit the unresolved issues to arbitration by an arbitrator. The board shall provide the parties with a list of seven qualified arbitrators. Each party shall alternately strike one name from the list with the party submitting the impasse to arbitration making the first strike until one name remains who shall be the arbitrator for the parties involved in the dispute.

2. Each party shall submit a final offer on each separate item remaining at impasse to the arbitrator and the other party. The arbitrator shall determine that either the final offer of the employer or the final offer of the exclusive representative on each separate issue shall be incorporated into the agreement, provided that the arbitrator shall not amend the offer of either party on any issue.

3. The arbitrator shall begin his hearings no later than thirty days after the request for arbitration in accordance with procedures prescribed by the board and the provisions of sections 435.350 to 435.470, RSMo, except section 435.460, RSMo, shall be applicable to the proceedings of the arbitrator. The arbitrator shall render a decision in writing no later than sixty days after initiation of arbitration. The costs of such arbitrations shall be borne equally by the parties.

4. In making any decision under the impasse procedures authorized by this section, the arbitrator shall consider the following factors:

- (1) The effect of an agreement on the ability of the public body to provide public services at current levels;**
- (2) The lawful authority of the public body;**
- (3) Stipulations of the parties;**
- (4) The interests and welfare of the public;**
- (5) The financial ability of the public body to meet the costs of any items to be included in the contract;**
- (6) Comparison of wages, hours and terms and conditions of employment of the employees involved in the arbitration proceedings with the wages, hours and terms and conditions of employment of other persons performing similar services in the public and private sector;**
- (7) The average consumer prices for goods and services, commonly known as the "cost of living" or the consumer price index;**
- (8) The overall compensation presently received by the employees involved in the arbitration, including, but not limited to, wages, health and life insurance, vacations, holidays and similar benefits;**
- (9) Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings;**
- (10) Such other factors which are normally or traditionally taken into consideration in the determination of**

wages, hours and terms and conditions of employment through voluntary collective bargaining, mediation, fact finding, arbitration or otherwise between the parties, in the public service or in private employment.

5. After an agreement or arbitration decision has been entered, that portion of the agreement or decision which requires the public body to appropriate public funds, and any portion of the agreement or decision found to be in conflict with any statute, ordinance or order of the public body shall take effect only upon approval of the legislative body of the public body of the appropriation of such funds or enactment of a statute, an order or ordinance intended to remove any conflict with any statute, ordinance or order as a result of the agreement or decision.

6. An agreement negotiated between the public body and the exclusive representative shall contain a grievance resolution procedure which shall apply to all disputes arising under the agreement and shall provide for arbitration procedures not inconsistent with this act.

7. Failure of a legislative body to approve any portion of an agreement submitted to it shall not be in conflict with the good faith negotiating requirements of this act.

8. The agreement shall remain in effect for the term specified therein. Upon the expiration of an agreement, the terms of such agreement shall remain in effect until superseded by a new agreement.

9. In case of any conflict between the provisions of this act and any other law, executive order or administrative regulation, the provisions of this act shall prevail and control."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Schneider offered SSA 1 for SA 1:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 471, Page 12, Section 1, Line 16 of said page, by inserting immediately after all of said line the following:

"(1) "Arbitration", the procedure whereby the parties involved in an impasse or grievance dispute submit their differences to a third party for a determinative decision and impasse disputes shall be subject to legislative approval as provided pursuant to section 3 of this act;"; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill, Page 14, Section 2, Line 2 of said page, by inserting immediately after the period "." the following: **"With respect to public bodies other than the state and a representative of a unit of employees of that public body,"; and**

Further amend said bill, Page 14, Section 2, Line 7 of said page, by inserting immediately after all of said line the following:

"Section 3. 1. With respect to negotiations between the state and an exclusive representative of a unit of state employees, if the mediator determines that mediation services are no longer helpful, either party may submit the unresolved issues to arbitration by an arbitrator. The board shall provide the parties with a list of seven qualified arbitrators. Each party shall alternately strike one name from the list with the party submitting the impasse to arbitration making the first strike until one name remains who shall be the arbitrator for the parties involved in the dispute.

2. Each party shall submit a final offer on each separate item remaining at impasse to the arbitrator and the other party. The arbitrator shall determine that either the final offer of the employer or the final offer of the exclusive representative on each separate issue shall be incorporated into the agreement, provided that the arbitrator shall not amend the offer of either party on any issue.

3. The arbitrator shall begin his hearings no later than thirty days after the request for arbitration in accordance with procedures prescribed by the board and the provisions of sections 435.350 to 435.470, RSMo, except section 435.460, RSMo, shall be applicable to the proceedings of the arbitrator. The arbitrator shall render a decision in writing no later than sixty days after initiation of arbitration. The costs of such arbitrations shall be borne equally by the parties.

4. In making any decision under the impasse procedures authorized by this section, the arbitrator shall consider the following factors:

- (1) The effect of an agreement on the ability of the public body to provide public services at current levels;**
- (2) The lawful authority of the public body;**
- (3) Stipulations of the parties;**
- (4) The interests and welfare of the public;**
- (5) The financial ability of the public body to meet the costs of any items to be included in the contract;**
- (6) Comparison of wages, hours and terms and conditions of employment of the employees involved in the arbitration proceedings with the wages, hours and terms and conditions of employment of other persons performing similar services in the public and private sector;**
- (7) The average consumer prices for goods and services, commonly known as the "cost of living" or the consumer price index;**
- (8) The overall compensation presently received by the employees involved in the arbitration, including, but not limited to, wages, health and life insurance, vacations, holidays and similar benefits;**
- (9) Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings;**
- (10) Such other factors which are normally or traditionally taken into consideration in the determination of wages, hours and terms and conditions of employment through voluntary collective bargaining, mediation, fact finding, arbitration or otherwise between the parties, in the public service or in private employment.**

5. After an agreement or arbitration decision has been entered, that portion of the agreement or decision which requires the public body to appropriate public funds, and any portion of the agreement or decision found to be in conflict with any statute, ordinance or order of the public body shall take effect only upon approval of the legislative body of the public body of the appropriation of such funds or enactment of a statute, an order or ordinance intended to remove any conflict with any statute, ordinance or order as a result of the agreement or decision.

6. An agreement negotiated between the public body and the exclusive representative shall contain a grievance resolution procedure which shall apply to all disputes arising under the agreement and shall provide for arbitration procedures not inconsistent with this act.

7. Failure of a legislative body to approve any portion of an agreement submitted to it shall not be in conflict with the good faith negotiating requirements of this act.

8. The agreement shall remain in effect for the term specified therein. Upon the expiration of an agreement, the

terms of such agreement shall remain in effect until superseded by a new agreement.

9. In case of any conflict between the provisions of this act and any other law, executive order or administrative regulation, the provisions of this act shall prevail and control."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above substitute amendment be adopted.

Senator Johnson assumed the Chair.

At the request of Senator Schneider, **SB 471**, with **SCS, SS** for **SCS, SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Staples, Chairman of the Committee on Transportation, Senator Quick submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 948**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1300**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1300, Page 3, Section 301.140, Line 51, by deleting the words "issuance by the director of revenue to" and inserting in lieu thereof the following: "[issuance by the director of revenue to] **purchase by**".

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1352**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1293**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1201**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1145**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto

attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1113**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1113, Page 1, In the Title, Line 3, by striking the following: "five hundred"; and

Further amend said bill and page, section 1, line 3, by striking the following: "five hundred".

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1385**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1622**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1622, Page 4, Section 247.040, Line 108, by striking the word "revenue" and inserting in lieu thereof the word "**obligation**".

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1807**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, Senator Mathewson submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 1704**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 1037**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 950**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 950, Page 1, In the Title, Line 2, by deleting the word "agriculture" and inserting in lieu thereof the following: "the Missouri agricultural and small business development authority"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "two" and inserting in lieu thereof the word "three"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the word "two" and inserting in lieu thereof the word "three"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting "and 348.400" and inserting in lieu thereof the following: ", 348.400 and 1"; and

Further amend said bill, Page 4, Section 348.400, Line 23, by inserting after all of said line the following:

"Section 1. Records and documents submitted by program applicants and lenders to the Missouri agricultural and small business development authority relating to financial investments in a business, or sales projections or processes or other business plan information which if released or otherwise made public may endanger the competitiveness of a business, or records and documents submitted to the authority relating to financial assistance that is awarded by the authority, except for the amount and recipient of any loan or grant from a program administered by the authority shall be deemed a closed record as such term is defined in section 610.010, RSMo, may be discussed in a meeting that has been closed pursuant to section 610.022, RSMo, and shall not be subject to the provisions of sections 109.200 to 109.310, RSMo, the state and local records laws. Such records and documents may be released by the authority upon written approval by the applicant."

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 1001**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for

HB 1002, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for

HB 1003, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for

HB 1004, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for

HB 1005, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for

HB 1006, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator Quick submitted the following reports:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 1043**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 1668**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1476**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1928**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1506**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1569**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1569, Page 2, Section 351.180, Line 23, by deleting ", notwithstanding" and inserting in lieu thereof the following: "[,]. Notwithstanding"; and

Further amend said bill, Page 5, Section 351.230, Line 3, by deleting the words "delivered or" and inserting in lieu thereof the words "[delivered or]"; and

Further amend said bill, Page 5, Section 351.230, Line 4, by deleting the words ", either personally or by mail," and inserting in lieu thereof the words "[, either personally or by mail,]"; and

Further amend said bill, Page 6, Section 351.245, Line 38, by deleting the word "**the**"; and

Further amend said bill, Page 7, Section 351.327, Line 23, by inserting after all of said line the following:

"4. The intent of this section is not only to provide against the voiding or voidability of a contract or transaction, but rather to set forth as well the substantive law on the methods by which a conflict transaction may be regularized to become an arms length transaction."; and

Further amend said bill, Page 8, Section 351.596, Line 17, by deleting the word "**two**" and inserting in lieu thereof the word "**five**".

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1148**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1216**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SBs 515** and **783**; **SS** for **SB 478**; **SCS** for **SB 523**; and **SS** for **SB 792**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives from its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 893**, entitled:

An Act to repeal section 130.057, RSMo Supp. 1997, relating to reports filed with the ethics commission, and to enact in lieu thereof one new section for the purpose of requiring electronic filing, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1265**, entitled:

An Act to repeal section 166.131, RSMo 1994, and section 166.300, RSMo Supp. 1997, relating to school funds, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1510**, entitled:

An Act to repeal sections 50.500, 447.503, 447.505, 447.506, 447.510, 447.517, 447.520, 447.527, 447.530, 447.532, 447.533, 447.535, 447.539, 447.540, 447.541, 447.543, 447.545, 447.558, 447.559, 447.560, 447.565, 447.571, 447.572 and 447.577, RSMo 1994, relating to the disposition of unclaimed property, and to enact in lieu thereof twenty-four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1876**, entitled:

An Act to repeal section 275.350, RSMo 1994, relating to funds in the commodity merchandising program, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 987**, entitled:

An Act to repeal section 451.040, RSMo Supp. 1997, relating to applications for marriage licenses, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1856**, entitled:

An Act to amend chapter 413, RSMo, relating to taximeter units of measurement by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Wiggins assumed the Chair.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Peggy D. Loman, 532 E. 129th Terrace, Kansas City, Jackson County, Missouri 64145, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 2000, and until her successor is duly appointed and qualified; vice, RSMo 650.330.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Bill J. Adams, 2603 West Avondale Street, Poplar Bluff, Butler County, Missouri 63901, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 2002, and until his successor is duly appointed and qualified; vice, RSMo. 650.330.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen D. Paulsell, 5304 East Tayside Circle, Columbia, Boone County, Missouri 65203, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 2002, and until his successor is duly appointed and qualified; vice, RSMo. 650.330.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gary B. Kempker, 2024 Scenic Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 2001, and until his successor is duly appointed and qualified; vice, RSMo. 650.330.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sheila F. Lumpe, 320 Washington, Apt. 201, Jefferson City, Cole County, Missouri 65101, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 2002, and until her successor is duly appointed and qualified; vice, RSMo. 650.330.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Laura A. Estabrooks, 10351 Kings Lane W., Rocheport, Boone County, Missouri 65279, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 2000, and until her successor is duly appointed and qualified; vice, RSMo. 650.330.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Deborah L. Lilley, 2917 Trapper Trail, Wentzville, St. Charles County, Missouri 63385, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 2001, and until her successor is duly appointed and qualified; vice, RSMo. 650.330.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles G. Bonney, 3012 Kreinheder Court, St. Louis, St. Louis County, Missouri 63125, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 1999, and until his successor is duly appointed and qualified; vice, RSMo. 650.330.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Roger D. Young, 801 E. 7th Street, Laddonia, Audrain County, Missouri 63352, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 1999, and until his successor is duly appointed and qualified; vice, RSMo. 650.330.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Roger Dale "R.D." Porter, 23515 Roswell Lane, Waynesville, Pulaski County, Missouri 65583, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 1999, and until his successor is duly appointed and qualified; vice, RSMo. 650.330.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Annette Kolis Mandel, 11720 Tarrytown Drive, Creve Coeur, St. Louis County, Missouri 63141, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 2001, and until her successor is duly appointed and qualified; vice, RSMo. 650.330.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William F. "Bill" Ferrell, Route 2, Box 540, Sikeston, Scott County, Missouri 63801, as a member of the Committee for 911 Service Oversight, for a term ending April 9, 2002, and until his successor is duly appointed and qualified; vice, RSMo. 650.330.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jacquelyn B. Dilworth, M.D., 1101 Courtwood Circle, Ballwin, St. Louis County, Missouri 63011, as a member of the Drug Utilization Review Board, for a term ending October 15, 2000, and until her successor is duly appointed and qualified; vice, Sangeeta Jain-Roberts, M.D., resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lynn A. Fahrmeier, Republican, Route 1 Box 163, Wellington, Lafayette County, Missouri 64097, as a member of the Clean Water Commission, for a term ending April 12, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dorsey E. Levell, Republican, 3130 South Oak Avenue, Springfield, Greene County, Missouri 65804, as a member of the Missouri Community Service Commission, for a term ending December 15, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mark V. Kenney, Democrat, 5630 Brookside Boulevard, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Community Service Commission, for a term ending December 15, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert P. Neumann, 5917 S. State Highway ZZ, PO Box 516, Republic, Greene County, Missouri 65738, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Martha R. Clevenger, 7525 Leadale, St. Louis, St. Louis County, Missouri 63121, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kenneth C. Hensley, Democrat, 805 Gore, Box 245, Raymore, Cass County, Missouri 64083, as a member of the Public Defender Commission, for a term ending December 30, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lonnie G. Hasty, 3701 Hopper Road, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a public member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2000, and until his successor is duly appointed and qualified; vice, John Sheehan, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Randall J. Davis, 62 Pearl Drive, Hillsboro, Jefferson County, Missouri 63050, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2000, and until his successor is duly appointed and qualified; vice, James Gibson, M.D., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James D. Bollinger, 206 Poplar, Marble Hill, Bollinger County, Missouri 63764, as a member of the Missouri Fire Safety Advisory Board, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Joseph Galetti, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 9, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James J. Silvernail, 16515 Rain Forest Drive, Wildwood, St. Louis County, Missouri 63011, as a member of the Missouri Fire Safety Advisory Board, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

COMMUNICATIONS

Senator Rohrbach submitted the following:

April 9, 1998

Terry Spieler

Secretary of the Senate

Rm. 325 State Capitol

Jefferson City, MO 65101

Dear Terry:

Under the provisions of Senate Rule 45 I am filing written objection to HB 1097 relating to public assistance assets. As this bill is controversial in nature, I request that it be taken off the consent calendar and be sent back to committee.

Sincerely,

/s/ Larry Rohrbach

Senator Curls submitted the following:

April 14, 1998

Mrs. Terry L. Spieler

Secretary of the Senate

Rm. 325, State Capitol

Jefferson City, MO 65101

Dear Mrs. Spieler:

Under the provisions of Senate Rule 45, I am filing written objection to HB 1444 being placed on the consent calendar. As this bill is controversial in nature, I request that it be removed from the consent calendar and returned to committee.

Sincerely,

/s/ Phil B. Curls Sr.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, fourth grade students from Archie School, Archie.

Senator Caskey introduced to the Senate, Bill and Ann Marie Rucker, and their children, Erik and Owen, Independence; and Erik and Owen were made honorary pages.

Senator Howard introduced to the Senate, Cody Moss, Ashley Guest, and Emily, Trisha and Lugenia Counce, Caruthersville; and Cody, Ashley, Emily and Trisha were made honorary pages.

Senator Sims introduced to the Senate, Paula Burt, Katelyn Clounch, Kosta Cook, Jessica Curry, Tanecia Davis, Lyndita Gomez, Tamica Jamison, Tyeysha Jones, Nichole Kennedy, Milan Lafayette, Amanda Miller, Aaprara Mills, Aariel Mills, Audrey Muex, LaVon Pearson, Nanyamka Shukura, Antoinette Smith, Ardell Thomas, Malissa Thomas, Ashley Wilks, Daneitria Williams, members of Girls Incorporated of St. Louis; and chaperones, Jan Altepeter, Marion Black, Vicki Williams and Wendy Roberson.

Senator Johnson introduced to the Senate, his sister, Martha Trail, and her husband Tom, Agency; and their granddaughter, Britney Werle, Orrick; and Britney was made an honorary page.

Senator Sims introduced to the Senate, Mrs.

Catherine Williams and Tyler Babbit, Crystal Bennett, Derrick Connors, Cassidy Greiner, Brandon Jackson, Adonis Johnson, Brian Kolafa, Cody Prohaska, Stacy Rolen, Nicholas Scanga, Matthew Vail and Melissa Yates, eighth grade students from Christian Academy of Greater St. Louis; and Cassidy, Jackson, Stacy and Nicholas were made honorary pages.

Senator Childers introduced to the Senate, Bill, Marge and Melissa Stimson, Cassville.

Senator McKenna introduced to the Senate, thirty retirees from United Auto Workers Local 136, St. Louis.

Senator Mathewson introduced to the Senate, Mrs. Terry Hulett, and forty-three eighth grade students from Salisbury R-IV School, Salisbury; and Shawn Kendrick, Kara Britt, Adam Callighan and Zach Cooper were made honorary pages.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-THIRD DAY--WEDNESDAY, APRIL 15, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, to touch one life, to lift one burden, to heal one wound, to show one child the way, would make what we do here all worthwhile. Use the hours spent, the meetings attended, the bargains struck and the hard work to give hope and promote peace and harmony and provide the good life for all the people. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Quick announced that photographers from KRCG-TV and the Senate had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

REFERRALS

President Pro Tem McKenna referred **SCS** for **SBs 515** and **783** to the Committee on State Budget Control.

President Pro Tem McKenna referred the Gubernatorial Appointments appearing on pages 624-627 of the Senate Journal for Tuesday, April 14, 1998, to the Committee on Gubernatorial Appointments.

President Wilson assumed the Chair.

THIRD READING OF SENATE BILLS

SS for SCS for SB 627, introduced by Senator Goode, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 627

An Act to repeal sections 144.010 and 144.020, RSMo Supp. 1997, relating to utility taxation, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause.

Was taken up.

On motion of Senator Goode, SS for SCS for SB 627 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Curls	Rohrbach--2		
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Curls	Rohrbach--2		
Absent with leave--Senators--None			

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 893--Ethics.

HB 987--Civil and Criminal Jurisprudence.

HCS for **HB 1265**--Education.

HCS for **HB 1510**--Ways and Means.

HB 1856--Civil and Criminal Jurisprudence.

HB 1876--Appropriations.

SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 731, SB 714, SB 715, SB 513, SB 691, SB 857, SB 887, SB 516, SB 667, SB 491, SB 654, SB 590** and **SB 873**, with **SCS, SS** for **SCS, SA 2**, and **SSA 1** for **SA 2**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 2**, as amended, was again taken up.

Senator Flotron requested a roll call vote be taken on the adoption of **SSA 1** for **SA 2**, as amended, and was joined in his request by Senators Childers, Jacob, Klarich and Schneider.

SSA 1 for **SA 2**, as amended, failed of adoption by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
House	Howard	Jacob	Johnson
Lybyer	Mathewson	Maxwell	Quick
Russell	Singleton	Westfall--15	
NAYS--Senators			
Banks	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	Kenney
Kinder	Klarich	McKenna	Mueller
Rohrbach	Schneider	Scott	Sims
Wiggins	Yeckel--18		
Absent--Senator Staples--1			
Absent with leave--Senators--None			

Senator Jacob offered **SSA 2** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516,

667, 491, 654, 590 and 873, Page 3, Section 143.111, Lines 13-14 of said page, by striking the following: "**for tuition, attendance fees, school supplies, and transportation costs**"; and

Further amend said bill, Page 3, Section 143.122, Lines 15-23 of said page, by striking all of said lines and inserting in lieu thereof the following:

"143.122. In addition to the amounts to be subtracted from a resident's Missouri adjusted gross income to determine Missouri taxable income under the provisions of section 143.111, there shall be subtracted two thousand five hundred dollars for each dependent enrolled in grades nine through twelve."

Senator Jacob moved that the above substitute amendment be adopted.

Senator Wiggins requested a roll call vote be taken on the adoption of **SSA 2** for **SA 2** and was joined in his request by Senators Childers, Flotron, Jacob and Sims.

SSA 2 for **SA 2** failed of adoption by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	House
Howard	Jacob	Johnson	Lybyer
Mathewson	Maxwell	Quick	Russell
Singleton	Westfall--14		
NAYS--Senators			
Bentley	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	Kenney
Kinder	Klarich	McKenna	Mueller
Rohrbach	Schneider	Scott	Sims
Wiggins	Yeckel--18		
Absent--Senators			
Clay	Staples--2		
Absent with leave--Senators--None			

At the request of Senator Wiggins, **SB 731, SB 714, SB 715, SB 513, SB 691, SB 857, SB 887, SB 516, SB 667, SB 491, SB 654, SB 590** and **SB 873**, with **SCS, SS** for **SCS** and **SA 2** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 14, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael E. Goldsworthy, Republican, 620 Archer Court, Neosho, Newton County, Missouri 64850, as a member of the Missouri Fire Education Commission, for a term ending April 26, 1999, and until his successor is duly appointed and qualified; vice, Clint Mitchell, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 14, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kimberly S. Long, P.O. Box 58, South Greenfield, Dade County, Missouri 65752, as a member of the Missouri Fire Safety Advisory Board, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, John Wilke, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 14, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ben L. Kessler, Republican, 10687 Country View Drive, Creve Coeur, St. Louis County, Missouri 63141, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 14, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lee J. Payne, 871 Wilner Drive, University City, St. Louis County, Missouri 63130, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Johnson.

RESOLUTIONS

Senator Jacob offered Senate Resolution No. 1584, regarding Mary Margaret Robinette, Rocheport, which was adopted.

Senator Jacob offered Senate Resolution No. 1585, regarding the University of Missouri-Columbia Tiger Football Team, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1656**, entitled:

An Act to repeal section 135.408, RSMo 1994, section 215.030, RSMo Supp. 1997, and sections 100.840, 135.403, 135.405 and 135.503, as enacted by senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and approved by the governor, and to enact in lieu thereof ten new sections for the purpose of providing tax relief in distressed communities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON THIRD READING

HB1480, with **SCS**, introduced by Representative DeMarce, entitled:

An Act to repeal section 109.221, RSMo Supp. 1997, relating to local matching funds for local record preservation grants, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Maxwell.

SCS for **HB 1480**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1480

An Act to repeal sections 59.220 and 109.221, RSMo Supp. 1997, relating to the use of local funds, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Maxwell moved that **SCS** for **HB 1480** be adopted, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **HB 1480** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
DePasco	Flotron	Goode	Graves
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins--29			

NAYS--Senators--None

Absent--Senators

Clay	Curls	Ehlmann	House
Yeckel--5			

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Graves offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1586

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Missouri Jaycees organization has sought to instill leadership qualities in its members through its excellent mock legislature program; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate Chamber for the purpose of their governmental and citizenship programs;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Eighty-ninth General Assembly, Second Regular Session hereby grant the Missouri Jaycees permission to use the Senate Chamber for the purpose of holding the Thirtieth Annual Missouri Jaycee Mock Legislature on November 14 and 15, 1998.

Senator Graves offered Senate Resolution No. 1587, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Doyne Swan, Fairfax, which was adopted.

Senator Graves offered Senate Resolution No. 1588, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Phillip Bray, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1589, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Gary Dougan, Barnard, which was adopted.

Senator Graves offered Senate Resolution No. 1590, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Byron Million, Rock Port, which was adopted.

Senator Graves offered Senate Resolution No. 1591, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lester Lee, Tina, which was adopted.

Senator Graves offered Senate Resolution No. 1592, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Freddie Montgomery, Oregon, which was adopted.

Senator Graves offered Senate Resolution No. 1593, regarding the Ninetieth Birthday of Ruble Collins, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1594, regarding the Eightieth Birthday of Mr. Bob Ruoff, Stewartsville, which was adopted.

Senator Graves offered Senate Resolution No. 1595, regarding the Ninetieth Birthday of Thelma Simerly, which was adopted.

Senator Graves offered Senate Resolution No. 1596, regarding the Eighty-fifth Birthday of Dorothy Parmenter, Harris, which was adopted.

Senator Graves offered Senate Resolution No. 1597, regarding the Ninetieth Birthday of Mrs. Alice Hurst, Gower, which was adopted.

Senator Graves offered Senate Resolution No. 1598, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Lewis, Lucerne, which was adopted.

Senator Graves offered Senate Resolution No. 1599, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Beryl Arkle, Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 1600, regarding Sarah Davenport, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1601, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Ralph Coram, Browning, which was adopted.

Senator Graves offered Senate Resolution No. 1602, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Clifford DeField, Stanberry, which was adopted.

Senator Graves offered Senate Resolution No. 1603, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Harris, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 1604, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. John Warren, Jr., Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1605, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Merle Dorner, Bogard, which was adopted.

Senator Graves offered Senate Resolution No. 1606, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wendell Street, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1607, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gordon Heath, Trenton, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 1907**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **HB 1226**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HB 1880**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 987**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1856**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1566**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, Senator Quick submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 1862**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1862, Page 1, Section 60.355, Lines 2-4, by striking all of said lines and inserting in lieu thereof the following: "**chapter 327, RSMo, shall knowingly move, remove, deface or destroy any corner of the United States Public Land Survey System, property boundary marker, bench mark or horizontal control monument.**".

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Bill No. 1862, Page 1, In the Title, Lines 2-3, by striking all of said lines and inserting in lieu thereof the following: "To repeal section 60.321, RSMo 1994, and to enact in lieu thereof two new sections relating to land surveys, with penalty provisions."; and

Further amend said bill and page, section A, lines 1 and 2, by striking all of said lines and inserting in lieu thereof the following:

"Section A. Section 60.321, RSMo 1994, is repealed and two new sections enacted in lieu thereof, to be known as sections 60.321 and 60.355, to read as follows:

60.321. **1.** For the purpose of [perpetuating] **providing a permanent public record to perpetuate** the corners of the United States public land survey, every surveyor who reestablishes a lost corner or restores an [existent] **obliterated, decayed or destroyed** corner shall **set a permanent** monument **at the corner or as a witness to the corner** and shall **either record a copy of such survey in the county of record showing the reestablishment or restoration and any new corner ties or** file an instrument showing such reestablishment or restoration with the Missouri department of natural resources, in accordance with the specifications and procedures adopted by the Missouri department of natural resources.

2. A permanent monument shall be at minimum a five-eighths inch solid iron rod or a three-fourths inch diameter iron pipe set at least twenty-four inches into the ground marked with a cap identifying the land surveyor or his company by name and/or registration number; or in the event such a monument cannot be set such other monument as is accepted by the Missouri Association of Registered Land Surveyors.

3. Any surveyor who willfully and knowingly fails to perpetuate corners in accordance with this section is guilty of misconduct in the practice of land surveying."

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 1600**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 1587**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 1905**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent

Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 1157**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 1847**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HCS** for **HB 1189**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1189, Page 1, Section 408.036, Lines 5-6, by striking all of said lines and inserting in lieu thereof the following: "prepayment penalty exceed two percent of the balance at the time of prepayment, **except for, when an existing mortgage loan is replaced with a new mortgage loan made by another lender and the proceeds from the new loan are used to either paydown or reduce the balance to a smaller amount before paying in full and in order to avoid or reduce the prepayment penalty. In such an occurrence the prepayment penalty shall not be more than two percent of the average daily balance for the prior six months,** provided that the 1990 and 1992 reenactment of this section".

On behalf of Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, Senator Quick submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 1859**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1918**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1837**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1066**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1301**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1301, Page 1, In the Title, Line 2, by striking "and 136.370" and inserting in lieu thereof the following: ", 136.370 and 143.751"; and further amend line 3, by striking the word "two" and inserting in lieu thereof the following: "four"; and

Further amend said bill, page 1, section A, line 1, by striking "and 136.370" and inserting in lieu thereof the following: ", 136.370 and 143.751"; and further amend said line, by striking the word "two" and inserting in lieu thereof the following: "four"; and further amend line 2, by striking "136.365 and 136.370" and inserting in lieu thereof the following: "71.625, 136.365, 136.370 and 143.751"; and further amend said line, by inserting immediately after said line the following:

"71.625. The timely payment of a license tax due to any municipal corporation in this state, or any county pursuant to section 66.300, RSMo, which is delivered by United States mail to the municipality or county office designated by such municipality or county office to receive such payments, shall be deemed paid as of the postmark date stamped on the envelope or other cover in which such payment is mailed. In the event any payment of tax due is sent by registered or certified mail, the date of the registration or certification shall be deemed the postmark date. No additional tax, penalty or interest shall be imposed by any municipality or county on any taxpayer whose payment is delivered by United States mail, if the postmark date stamped on the envelope or other cover containing such payment falls within the prescribed period on or before the prescribed date, including any extension granted, for making the payment. When the last day for making any license tax payment, including extensions, falls on a Saturday, a Sunday, or a legal holiday in this state, the payment shall be considered timely if the payment is made on the next succeeding day which is not a Saturday, Sunday or legal holiday."; and

Further amend said bill, page 2, section 136.370, line 7, by inserting immediately after said line the following:

"143.751. 1. If any part of a deficiency is due to negligence or intentional disregard of rules and regulations (but without intent to defraud) there shall be added to the tax an amount equal to five percent of the deficiency. The director shall apprise the taxpayer of the factual basis for the finding of negligence, or the specific rules or regulations disregarded, at the time the director issues a proposed assessment. Rules and regulations which have been determined to be inconsistent with the laws of this state, by either the courts of this state or the administrative hearing commission, may not be cited as the basis for an addition to tax under this section.

2. If any part of a deficiency is due to fraud, there shall be added to the tax an amount equal to fifty percent of the deficiency. This amount shall be in lieu of any amount determined under subsection 1 of this section.

3. If any employer, without intent to evade or defeat any tax imposed by sections 143.011 to 143.996 or the payment thereof, shall fail to make a return and pay a tax withheld by him at the time required by or under the provisions of sections 143.011 to 143.996, such employer shall be liable for such taxes and shall pay the same together with interest thereon and the addition to tax provided in subsection 1 of this section, and such interest and addition to tax shall not be charged to or collected from the employee by the employer. The director of revenue shall have the same rights and powers for the collection of such tax, interest, and addition to tax against such employer as are now prescribed by sections 143.011 to 143.996 for the collection of tax against an individual taxpayer.

4. Any person required to collect, truthfully account for, and pay over the tax imposed by sections 143.011 to 143.996 who willfully fails to collect such tax or truthfully account for and pay over such tax or willfully attempts in any manner to evade or defeat the tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over. No addition to tax under subsections 1 and 2 of this section shall be imposed for any offense to which this subsection applies.

5. Any person who with fraudulent intent shall fail to pay, or to deduct or withhold and pay, any tax, or to make, render, sign, or certify any return, or to supply any information within the time required by or under sections 143.011 to 143.996, shall be liable to a penalty of not more than one thousand dollars, in addition to any other amounts required under sections 143.011 to 143.996, to be imposed, assessed and collected by the director of revenue.

6. For purposes of subsections 4 and 5 of this section, the term "persons" includes an individual, corporation, or partnership, or an officer or employee of any corporation (including a dissolved corporation), or a member or employee of any partnership, who, as such officer, employee, or member, is under a duty to perform the act in respect of which the violation occurs."

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1507**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1531**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1744**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following reports:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 1033**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 1599**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Jacob, Chairman of the Committee on Interstate Cooperation, submitted the following report:

Mr. President: Your Committee on Interstate Cooperation, to which was referred **HB 1791**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1, 2 and 3, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1791, Page 2, Section 4, Line 6, by inserting immediately after said line the following:

"3. The mid-America port commission shall exercise no control over the operation of port authorities established pursuant to sections 68.010 to 68.070, RSMo, except by voluntary agreement between said port authority and the commission."

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Bill No. 1791, Page 1, In the Title, Line 2, by striking the following: ", with an emergency clause"; and

Further amend said bill, page 3, Section A, lines 1-5, by striking all of said lines.

SENATE COMMITTEE AMENDMENT NO. 3

Amend House Bill No. 1791, Page 2, Section 3, Line 12, by inserting after the words "twenty-seven thousand" the following: "**six hundred**".

SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 731, SB 714, SB 715, SB 513, SB 691, SB 857, SB 887, SB 516, SB 667, SB 491, SB 654, SB 590** and **SB 873**, with **SCS, SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Caskey offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873, Page 1, In the Title, Line 6 of said title, by inserting after the word "sections" the following "and a referendum clause for certain sections"; and

Further amend said bill, page 27, Section B, line 9 of said page, by inserting immediately after said line the following:

"Section C. Sections 143.122 and 143.171 are hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 1998, pursuant to the applicable laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and it shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise."

Senator Caskey moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Wiggins raised the point of order that **SA 3** is out of order because it attempts to submit a specific section of a bill to a vote of the people.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 3 was again taken up.

At the request of Senator Caskey, the above amendment was withdrawn.

Senator Jacob offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873, Page 3, Section 143.122, Line 20, by inserting after the words "supplies," the word "**clothes**,".

Senator Jacob moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 4** and was joined in his request by Senators Caskey, House, Russell and Schneider.

SA 4 failed of adoption by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
House	Howard	Jacob	Johnson
Lybyer	Mathewson	Maxwell	Quick
Russell	Singleton	Westfall--15	
NAYS--Senators			
Bentley	DePasco	Ehlmann	Flotron
Goode	Graves	Kenney	Kinder
Klarich	McKenna	Mueller	Rohrbach
Schneider	Scott	Sims	Staples
Wiggins	Yeckel--18		
Absent--Senator Curls--1			
Absent with leave--Senators--None			

Senator Mueller offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873, Page 13, Section 144.030, Line 21, by inserting immediately after the word "of" the following: "**home respiratory equipment and accessories, hospital beds and accessories and ambulatory aids,**".

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Maxwell offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873, Page 3, Section 143.111, Lines 13-14, by striking all of said lines and inserting in lieu thereof the following:

"(5) The deduction for contributions to religious institutions provided in section 143.173."; and

Further amend said bill and page, section 143.122, lines 15-23, by striking all of said lines; and

Further amend said bill, pages 4-6, section 143.171, by striking all of said section and inserting in lieu thereof the following:

"143.173. In addition to the amounts to be subtracted from a resident's Missouri adjusted gross income to determine Missouri taxable income under the provisions of section 143.111, there shall be subtracted fifty percent of the amount the taxpayer has paid as charitable contributions, other than those which the taxpayer has taken as an itemized deduction on his or her federal income tax return for that taxable year, to any church, religious society or religious institution recognized as a charitable or religious institution pursuant to federal law."; and

Further amend said bill, page 27, section B, by striking the number "143.122" and inserting in lieu thereof the number

"143.173"; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Howard, Jacob and Russell.

Senator Wiggins offered **SSA 1** for **SA 6**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873, Page 3, Section 143.111, Line 14, by striking the comma "," on said line; and further amend said page, section 143.122, line 20, by striking the comma "," after the word "supplies" on said line; and

Further amend said bill, page 6, section 143.171, line 6, by striking the comma "," on said line.

Senator Wiggins moved that the above substitute amendment be adopted.

Senator Jacob raised the point of order that **SSA 1** for **SA 6** is out of order in that it is frivolous.

Senator Mathewson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

At the request of Senator Wiggins, **SSA 1** for **SA 6** was withdrawn.

President Pro Tem McKenna assumed the Chair.

Senator Maxwell offered **SSA 2** for **SA 6**:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873, Page 3, Section 143.111, Lines 13-14, by striking all of said lines and inserting in lieu thereof the following:

"(5) The deduction for contributions to religious institutions provided in section 143.173."; and

Further amend said bill and page, section 143.122, lines 15-23, by striking all of said lines; and

Further amend said bill, pages 4-6, section 143.171, by striking all of said section and inserting in lieu thereof the following:

"143.173. In addition to the amounts to be subtracted from a resident's Missouri adjusted gross income to determine Missouri taxable income under the provisions of section 143.111, there shall be subtracted forty percent of the amount the taxpayer has paid as charitable contributions, other than those which the taxpayer has taken as an itemized deduction on his or her federal income tax return for that taxable year, to any church, religious society or religious institution recognized as a charitable or religious institution pursuant to federal law."; and

Further amend said bill, page 27, section B, by striking the number "143.122" and inserting in lieu thereof the number

"143.173"; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above substitute amendment be adopted.

Senator Singleton offered **SA 1** to **SSA 2** for **SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 6

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873, Page 1, Section 143.173, Line 9 of said section, by inserting after the word "law." on said line the following: "**There shall also be subtracted ten percent of the amount the taxpayer has paid as charitable contributions, other than those which the taxpayer has taken as an itemized deduction on his or her federal income tax return for that taxable year, to any charitable institution recognized as such pursuant to section 501(c)(3) of the Internal Revenue Code.**".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

SSA 2 for **SA 6**, as amended, was again taken up.

Senator Maxwell moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Howard, Jacob and Russell.

SSA 2 for **SA 6**, as amended, failed of adoption by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	House
Howard	Jacob	Johnson	Lybyer
Mathewson	Maxwell	Quick	Russell
Singleton	Westfall--14		
	NAYS--Senators		
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	Kenney
Kinder	Klarich	McKenna	Mueller
Rohrbach	Schneider	Scott	Sims
Staples	Wiggins	Yeckel--19	
	Absent--Senator Banks--1		
	Absent with leave--Senators--None		

Senator Schneider offered **SSA 3** for **SA 6**:

SENATE SUBSTITUTE AMENDMENT NO. 3
FOR SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873, Page 3, Section 143.111 and 143.122, by striking all of said sections and substitute the following:

"143.111. The Missouri taxable income of a resident shall be his Missouri adjusted gross income less:

(1) Either[:] the Missouri standard deduction or the Missouri itemized deduction[.];

(2) The Missouri deduction for personal exemptions[.];

(3) The Missouri deduction for dependency exemptions[.];

(4) The deduction for federal income taxes provided in section 143.171; **and**

(5) The deduction for tuition, attendance fees or school supplies, and transportation costs provided in section 143.122.

143.122. In addition to the amounts to be subtracted from a resident's Missouri adjusted gross income to determine Missouri taxable income under the provisions of section 143.111, there shall be subtracted the amount the taxpayer has paid to others for each dependent in grades nine through twelve, for tuition, attendance fees or school supplies, and transportation costs for or on behalf of each dependent in attending a secondary school situated in Missouri, up to a maximum of two thousand five hundred dollars for each dependent."; and

Further amend said bill, pages 4-6, section 143.171, by striking all of said section and inserting in lieu thereof the following:

"143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after January 1, 1994, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

3. For all tax years beginning on or after September 1, 1993, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year.

5. For all tax years beginning on or after January 1, 1999, a corporate taxpayer shall be allowed a deduction for the amount the taxpayer has paid to others for any pupil or pupils in grades nine through twelve for tuition, attendance fees or school supplies, and transportation costs for or on behalf of any pupil or pupils attending a secondary school situated in Missouri, up to a maximum of two thousand five hundred dollars for any pupil."

Senator Schneider moved that the above substitute amendment be adopted and requested a roll call vote be taken. He

was joined in his request by Senators Childers, Kinder, Mueller and Scott.

Senator Staples assumed the Chair.

Senator Jacob requested a division of the question on **SSA 3** for **SA 6**, asking that a vote first be taken on the portion of the amendment dealing with Section 143.111, a second vote be taken on the portion of the amendment dealing with Section 143.122 and that a third vote be taken on the portion of the amendment dealing with Section 143.171.

Senator Schneider raised the point of order that the request for division of the question on **SSA 3** for **SA 6** is out of order because Sections 143.111 and 143.122 are not divisible.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Jacob requested a division of the question on **SSA 3** for **SA 6**, asking that a vote first be taken on the portion of the amendment dealing with Sections 143.111 and 143.122 and that a second vote be taken on the portion of the amendment dealing with Section 143.171, which request was granted.

Senator Maxwell offered **SA 1** to **SSA 3** for **SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 3
FOR SENATE AMENDMENT NO. 6

Amend Senate Substitute Amendment No. 3 for Senate Amendment No. 6 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 731, 714, 715, 513, 691, 857, 887, 516, 667, 491, 654, 590 and 873, Page 1, Section 143.122, Line 5 of said section, by striking the words "grades nine through twelve" and inserting in lieu thereof the following: "**an early childhood development education and care program**"; and

Further amend said section, line 7 of said section, by striking the words "a secondary school" and inserting in lieu thereof the following: "**such a program**"; and

Further amend said section, line 9, by inserting after the period "." on said line the following: "**The early childhood development education and care program shall be approved by the department of social services.**"; and

Further amend pages 2-4 of said amendment, section 143.171, by striking all of said section.

Senator Maxwell moved that the above amendment be adopted.

At the request of Senator Wiggins, **SB 731, SB 714, SB 715, SB 513, SB 691, SB 857, SB 887, SB 516, SB 667, SB 491, SB 654, SB 590** and **SB 873**, with **SCS, SS** for **SCS, SA 6, SSA 3** for **SA 6** and **SA 1** to **SSA 3** for **SA 6** (pending), were placed on the Informal Calendar.

Senator Schneider requested consent for the Committee on Judiciary to meet while the Senate is in session, which request was granted.

REPORTS OF STANDING COMMITTEES

Senator House, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 1272**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1683**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Curls, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1080**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1080, Page 3, Section 379.888, Lines 42-43, by deleting all of said lines and insert in lieu thereof the following:

"4. Any renewal notice of a commercial casualty insurance policy as defined in section 379.882, RSMo, for any Missouri risk or portion thereof which would have the effect of increasing the premium charged to the insured due to a change in any scheduled rating factor applied to the policy during the previous policy period shall contain or be accompanied by a notice to the insured informing the insured that any inquiry by the insured concerning the change may be directed to the agent of record or directly to the insurer. When any insured makes a request for information pursuant to this subsection, the insurer, directly or through the insurer's agent, shall inform the insured in writing in terms sufficiently clear and specific of the basis for any reduction in a scheduled rating credit or increase in a schedule rating debit which is applied to the policy. Evidence supporting the basis for any scheduled rating credit or debit shall be retained by the insurer for the policy term plus two calendar years, in accordance with Section 374.205, RSMo. The Missouri Department of Insurance shall notify commercial casualty insurers of the requirements of this section by bulletin. The provisions of this subsection shall become effective on January 1, 1999."

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HB 1055**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator Banks offered Senate Resolution No. 1608, regarding the death of Mrs. Anita Evelyn DeClue, St. Louis, which was adopted.

Senator Banks offered Senate Resolution No. 1609, regarding Mr. Matthew Miley, St. Louis, which was adopted.

Senator DePasco offered Senate Resolution No. 1610, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Richard A. Mansfield, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 1611, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Raymond Hardy, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 1612, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leonard Schaefer, Independence, which was adopted.

COMMUNICATIONS

Senators Kinder and Rohrbach submitted the following:

April 15, 1998

Terry Spieler

Secretary of the Senate

Dear Madam Secretary:

As House Bill 1274 is a bill of major significance, creating a new funding program, it should be subject to amendment as well as debate.

We therefore request it be removed from the Senate Consent Calendar.

/s/ Peter Kinder #27

/s/ Larry Rohrbach 6

INTRODUCTIONS OF GUESTS

On behalf of Senator McKenna, the President introduced to the Senate the spouses of the Missouri Baptist Children's Home board members.

Senator Schneider introduced to the Senate, Pat Farley, and fourth and fifth grade students from St. Thomas Apostle School, St. Louis; and Heather Driskill, Angie Good, Kenny Hunn and Casey Pisciotta were made honorary pages.

Senator Bentley introduced to the Senate, the Physician of the Day, her husband, Dr. John Bentley, Springfield.

Senator Caskey introduced to the Senate, Dan Ogden, and fifteen students from the Cass Career Center, Harrisonville.

Senator Rohrbach introduced to the Senate, Bill Pace, California.

On behalf of Senator Jacob, Senator Rohrbach introduced to the Senate, John Kallenbach, Columbia.

Senator Childers introduced to the Senate, Denia Swan, Jeff Ellison, Glenda Rowland, and thirty-eight seventh and eighth grade students from Taneyville School, Taneyville.

Senator Howard introduced to the Senate, Beth Welborn Bischof, Robin Bischof, Megan Briney Bishof, Julia Denkins, Shannon Griffin, Tasha Jones and Laura Tessens, Bloomfield; Will Bischof, St. Louis; and Steven, Marian, Anne Marie and Jonathan Bischof, New York; and Robin, Julia, Shannon, Tasha, Laura and Megan were made honorary pages.

Senator Johnson introduced to the Senate, forty 8th grade students from St. Therese Catholic School, Parkville; and Jeff Dallas, Linzi O'Laughlin, Melissa DeStefano and Sara Golub were made honorary pages.

Senator Bentley introduced to the Senate, Gary Kellner and Conni Ess, Springfield.

Senator Kenney introduced to the Senate, Carol Knipp, Carolyn Timm, Cindy Todd, Carla Nuckols, Chris Lindeman, Ginny Gudmundsson, Carla Brown, Candi Fox, Cindy Savage; and Abby Knipp, Laura Timm, Chelsey Todd, Katherine Turner, Mariel Nuckols, Kara Lindeman, Kristin Gudmundsson, Mandy Brown, Samantha Fox and Kara Savage, members of Girl Scout Troop 1764 from Holy Cross Lutheran Church, Kansas City; and Abby, Laura, Chelsey, Katherine and Mariel were made honorary pages.

Senator Clay introduced to the Senate, his aunt, Mary Elizabeth Lloyd and Arthur Wells, St. Louis.

Senator Staples introduced to the Senate, Denise Thompson, and eighth grade students from East Carter County School, Carter County.

Senator Kenney introduced to the Senate, Mike, Becky, Daniel and Erin Chandler, Lee's Summit; and Daniel and Erin were made honorary pages.

Senator Howard introduced to the Senate, Diane Davis, Doug Adams, Karmen Foster, and fifty-two eighth grade students from Twin Rivers Elementary School, Fisk.

Senator Kenney introduced to the Senate, Danielle Propst, Holts Summit; and Danielle was made an honorary page.

Senator Singleton introduced to the Senate, his son, Mitchell B. Singleton and Jaime Mertz, Rolla.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FOURTH DAY--THURSDAY, APRIL 16, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, David prayed, "Restore unto me the joy of Your salvation." Our prayer today is for joy. We need joy. With so much happening around us, floods, tornadoes, human suffering and the stress and strain of everyday life, we sometimes lose our joy. Help us to deal with difficult issues without losing our joy. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1613, regarding the Service Learning students of Oakville High School, which was adopted.

Senator Yeckel offered Senate Resolution No. 1614, regarding Karen Paruch, St. Louis County, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1615, regarding the St. Charles West High School Warriors Wrestling Team, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1616, regarding Chris McCrary, which was adopted.

CONCURRENT RESOLUTIONS

Senator Howard moved that **SCR 37**, with **SCS**, be taken up for adoption, which motion prevailed.

Senator Howard moved that **SCS** for **SCR 37** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Clay Ehlmann--2

Absent with leave--Senators--None

SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 731, SB 714, SB 715, SB 513, SB 691, SB 857, SB 887, SB 516, SB 667, SB 491, SB 654, SB 590** and **SB 873**, with **SCS, SS** for **SCS, SA 6, SSA 3** for **SA 6** and **SA 1** to **SSA 3** for **SA 6** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to **SSA 3** for **SA 6** was again taken up.

At the request of Senator Wiggins, **SB 731, SB 714, SB 715, SB 513, SB 691, SB 857, SB 887, SB 516, SB 667, SB 491, SB 654, SB 590** and **SB 873**, with **SCS, SS** for **SCS, SA 6, SSA 3** for **SA 6** and **SA 1** to **SSA 3** for **SA 6** (pending), were placed on the Informal Calendar.

RESOLUTIONS

Senator Jacob, joined by the entire membership, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1617

WHEREAS, the members of the Missouri Senate are always proud to publicly recognize the remarkable achievements of college sports teams within the State; and

WHEREAS, University of Missouri-Columbia Tiger football enjoyed a season of outstanding, record-setting play which earned the school and individual team members national acclaim; and

WHEREAS, MU Tiger football posted its first winning season in fourteen years, its second consecutive winning non-conference record, and its first road game win against a ranked opponent since 1981; and

WHEREAS, the Missouri Tigers won four of their last five games for the best season close since 1983; were ranked nationally for the first time since 1983; ended the season ranked in the final national polls for the first time since 1981; and boosted their two-year record against Big 12 South Division teams to 5-1; and

WHEREAS, with the Mosi Tatupu Award, senior running back Brock Olivo became the first Missouri football player to win national individual recognition as the nation's best special teams performer during the same season he was MU's all-time leading rusher, while quarterback Corby Jones and offensive guard Mike Morris were named to First-Team All-Big 12 positions; and

WHEREAS, the Tigers set school records for points scored in a season (368), touchdowns scored (48), and first downs (251) which contributed to the largest single-season home attendance increase in school history and the fifth highest in the nation; and

WHEREAS, such an impressive season ended with an invitation for the Missouri Tigers to compete against Colorado State in beautiful San Diego,

California's Holiday Bowl; and

WHEREAS, football fans all across the Show-Me State are exceedingly proud of the talented Tigers and their dedicated Head Coach Larry Smith, who enjoyed the honor of being named the Big 12 Conference Coach of the Year:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, join unanimously in applauding the Missouri Tiger football team upon the completion of a spectacular season and in wishing them all the best as they prepare for even greater challenges this fall; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the University of Missouri-Columbia Tiger football team.

Coach Larry Smith assumed the dais and addressed the members of the Senate.

President Pro Tem McKenna assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 731, SB 714, SB 715, SB 513, SB 691, SB 857, SB 887, SB 516, SB 667, SB 491, SB 654, SB 590** and **SB 873**, with **SCS, SS** for **SCS, SA 6, SSA 3** for **SA 6** and **SA 1** to **SSA 3** for **SA 6** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to **SSA 3** for **SA 6** was again taken up.

Senator Quick assumed the Chair.

Senator Johnson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

At the request of Senator Wiggins, **SB 731, SB 714, SB 715, SB 513, SB 691, SB 857, SB 887, SB 516, SB 667, SB 491, SB 654, SB 590** and **SB 873**, with **SCS, SS** for **SCS, SA 6, SSA 3** for **SA 6** and **SA 1** to **SSA 3** for **SA 6** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 1352**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 1704**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 1566**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 1507**, with **SCS**,

respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1007**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1008**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1009**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1010**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1011**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1012**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HCS** for **HBs 957** and **1063**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Banks, Chairman of the Committee on Public Health and Welfare, Senator Scott submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HCS** for **HB 1197**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **SBs 515** and **783**; **SS** for **SCS** for **SB 651**; and **SB 751**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following reports:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HJR 39**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which were referred **HS** for **HCS** for **HBs 1601, 1591, 1592, 1479 and 1615** and **HCS** for **HBs 1094, 1213, 1311 and 1428**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HS** for **HCS** for **HB 1323**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1469**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1239**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1779**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HBs 1681 and 1342**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 948**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Goode, Chairman of the Committee on Commerce and Environment, Senator Quick submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HS** for **HCS** for **HB 1161**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1274**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 1869**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HCS** for **HB 1620**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HCS** for **HBs 1519** and **1165**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HS** for **HB 1694**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HB 927**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 1763**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Maxwell assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HS for **HCS** for **HB 1656**--Local Government and Economic Development.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 26**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 7 of article IX of the Constitution of Missouri, relating to education and adopting one new section in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1405, 1109** and **1335**, entitled:

An Act to repeal sections 566.617, 589.400, 589.407, 589.410, 589.414, 589.417 and 589.425, RSMo Supp. 1997, and to enact in lieu thereof nineteen new sections relating to the civil commitment of sexual predators, with penalty provisions and an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 998**, entitled:

An Act relating to a prohibition on the tattooing or body piercing of a minor without the consent of such minor's parent or guardian, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1737** and **1345**, entitled:

An Act to repeal section 290.140, RSMo 1994, relating to the disclosure of employment information, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1836**, entitled:

An Act to repeal section 104.540, RSMo 1994, and sections 193.215, 287.820, 454.390, 454.408, 454.413, 454.440, 454.455, 454.460 and 476.688, RSMo Supp. 1997, relating to child support, and to enact in lieu thereof ten new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1489**, entitled:

An Act to repeal sections 701.300, 701.304, 701.306, 701.308, 701.310, 701.312, 701.314, 701.316, 701.320 and 701.334, RSMo 1994, relating to lead abatement, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1237, 1409, 1166, 1154 and 1491**, entitled:

An Act to repeal sections 287.030, 287.035, 287.061, 287.090, 287.128, 287.140, 287.160, 287.170, 287.190, 287.197, 287.210, 287.220, 287.250, 287.270, 287.337, 287.380, 287.430, 287.460, 287.480, 287.495, 287.530, 287.610, 287.615 and 287.640, RSMo 1994, and sections 287.280 and 287.650, RSMo Supp. 1997, relating to workers' compensation, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1021**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 1998 and ending June 30, 1999.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 1618, regarding Felicia Hayes, Springfield, which was adopted.

Senator Flotron offered Senate Resolution No. 1619, regarding Mayor Frank McGuire, Manchester, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Sarah Schwartz, Christy Farrow, and twenty students representing Warrensburg in the Missouri Learn and Serve America Day.

Senator Westfall introduced to the Senate, Milton Dickensheet, Bolivar.

Senator Mueller introduced to the Senate, forty-seven fifth grade students from Oak Hill Elementary School, St. Louis; and Nicole Shen, Clare Burns, Mike Gabel and Laura DiLeo were made honorary pages.

Senator Rohrbach introduced to the Senate, Fran Bashant, Ruth McBride, Susan Herman, and students representing Eldon in the Missouri Learn and Serve America Day.

Senator Flotron introduced to the Senate, students from Oak Hill Elementary School, St. Louis; and William Hiemenz and Clay Schaeffer were made honorary pages.

Senator Childers introduced to the Senate, Kylie Oaks, Kathy Hunter, Mike Collins, Debra Davilla, Chrissy Hancock, and eighteen high school students from Reeds Spring.

Senator Schneider introduced to the Senate, Mamie White, and students from Vogt Elementary School, St. Louis; and

Rebekah Sell, Amber Nolde, Jada Spencer and Sean Robinson were made honorary pages.

Senator Johnson introduced to the Senate, Julia Andrews and Joanna Jacob, Parkville; and Rita Kay Haltiwanger, Kansas City.

Senator Bentley introduced to the Senate, fourth and fifth grade students from Greenwood Lab, Springfield.

Senator Kenney introduced to the Senate, Jesse Card, Kansas City.

Senator Clay introduced to the Senate, Debbie Skaggs, Barbara Washington, Alyson Harper, Tiffany McFarland and Pat Howard, St. Louis; and Alyson and Tiffany were made honorary pages.

Senator Kenney introduced to the Senate, Michael and Susan Manfredi, and their children, Jeremiah and Rachel, homeschoolers from Independence; and Jeremiah and Rachel were made honorary pages.

Senator Jacob introduced to the Senate, fifth through twelfth grade students from Harrisburg R-8 School, Harrisburg; and Erin McGruder, Keller Colley, Stephen Foley, David Foley, Mary Young and Sarah Riely were made honorary pages.

Senator Flotron introduced to the Senate, Karen Norris, Mrs. Ranken, and thirty students from Pattonville High School, Bridgeton.

Senator House introduced to the Senate, Susan Foster, and parents and students from Warrenton, Wright City and Marthasville.

Senator Mueller introduced to the Senate, thirty-three fourth grade students from Kirk of the Hills Day School, St. Louis; and Emily Schnurpfeil, Chris Wagner, Kyle Rober and Caroline Holtom were made honorary pages.

Senator Bentley introduced to the Senate, Felicia Hayes, Quinn Ezernack, Brice Herron, Monique Gibson, Carrie Scott, Ms. Margaret Skidmore and Mrs. Cathy Carleton, Springfield.

Senator Flotron introduced to the Senate, eighteen eighth grade students from St. Lawrence the Martyr School, Bridgeton.

Senator Graves introduced to the Senate, Susan Wilson, Ron Holzer, Paul Barger, and students from Brookfield Middle School and Brookfield High School, Brookfield.

Senator Graves introduced to the Senate, Steve Kinyon, and thirty-four eighth grade students from Nodaway-Holt R-VII School, Maitland.

Senator Depasco introduced to the Senate, Bob Brennan, Richard Groves, Aimee Steger, Sara Crump, Sandra Feters, and members of the Truman High School and Chrisman High School LINK Scholarship Program.

Senator Jacob introduced to the Senate, head coach, Larry Smith, and members of the University of Missouri football team.

On behalf of Senator McKenna, the President introduced to the Senate, Michael Brasher, Ladue.

Senator Flotron introduced to the Senate, one hundred fourth grade students from Shenandoah Valley Elementary School, Chesterfield.

Senator Schneider introduced to the Senate, Betty Scheller, and students from Walker Elementary School, St. Louis; and Adam Will, Andrea Kowalski, Brianni Nelson and Amanda Hasapopoulos were made honorary pages.

Senator Caskey introduced to the Senate, Matt Lowe, Clinton.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Christy Tharenos, M.D., Columbia.

On motion of Senator Quick, the Senate adjourned until 3:00 p.m., Monday, April 20, 1998.

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FIFTH DAY--MONDAY, APRIL 20, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we have a job to do, one that has been entrusted to us. We pray for the tools we need to do our job to the best of our ability. We pray for strength, courage, wisdom and a sense of right and wrong. We pray that these might be used with love and compassion. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 16, 1998, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Curls--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Mueller offered Senate Resolution No. 1620, regarding the National Youth Service Day at Kirkwood High School, which was adopted.

Senator Kenney offered Senate Resolution No. 1621, regarding Jeffrey Todd (Jeff) Viets, Lee's Summit, which was adopted.

Senator Schneider offered Senate Resolution No. 1622, regarding the Fortieth Anniversary of Good Shepherd Parish, St. Louis, which was adopted.

Senator Schneider offered Senate Resolution No. 1623, regarding Dennis Anthony Tate, which was adopted.

Senator McKenna offered Senate Resolution No. 1624, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Marion Joseph Courtaway, DeSoto, which was adopted.

Senator McKenna offered Senate Resolution No. 1625, regarding Betty Williams, DeSoto, which was adopted.

Senator McKenna offered Senate Resolution No. 1626, regarding H. Claire Conway, House Springs, which was adopted.

Senator Sims offered Senate Resolution No. 1627, regarding Frank Munsch, Overland, which was adopted.

Senator Quick offered Senate Resolution No. 1628, regarding Adam Trout, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1629, regarding Kent Dryer, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1630, regarding Mike Jury, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1631, regarding Matt Fisher, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1632, regarding the Liberty High School Boys Basketball Team, which was adopted.

Senator Quick offered Senate Resolution No. 1633, regarding Jacob Street, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1634, regarding Matt Morris, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1635, regarding Ryan McClelland, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1636, regarding Stephen Kelly, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1637, regarding Scott Fleming, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1638, regarding Ryan Stegall, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1639, regarding Matt Rowan, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1640, regarding Chris Rouse, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1641, regarding Nick Robinson, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1642, regarding Pierre Mosby, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 1643, regarding Jarrod McKay, Liberty, which was adopted.

Senator Klarich offered Senate Resolution No. 1644, regarding Mayor Bernie A. Hillermann, Washington, which was adopted.

Senator Klarich offered Senate Resolution No. 1645, regarding the One Hundred Eighty-seventh Anniversary of the Potosi Post Office, which was adopted.

Senator Klarich offered Senate Resolution No. 1646, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Frank Toelke, Jr., Union, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1647, regarding Donald Dean Riggs, California, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1648, regarding Robert Van Ark, which was adopted.

Senators McKenna and Staples offered Senate Resolution No. 1649, regarding the Seventy-fifth Wedding Anniversary of Mr. and Mrs. Benjamin G. Miller, Crystal City, which was adopted.

Senator Kinder offered Senate Resolution No. 1650, regarding Dr. Joseph H. Low, Jr., Cape Girardeau, which was adopted.

Senator Kinder offered Senate Resolution No. 1651, regarding the death of Charles Knoté, Cape Girardeau, which was adopted.

HOUSE BILLS ON THIRD READING

HB 1001, introduced by Representative Franklin, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Fourth State Building Fund, and to transfer money among certain funds for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up by Senator Lybyer.

On motion of Senator Lybyer, **HB 1001** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Sims--1			
Absent with leave--Senators			
Curls	Graves--2		

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

HCS for **HB 1002**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 1002**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1002An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1002** be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1002** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Sims--1		
	Absent with leave--Senators		
Curls	Graves--2		

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for **HB 1003**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 1003**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1003 An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1003** be adopted.

Senator Lybyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1003, Page 14, Section 3.145, Lines 2 to 9, by deleting said lines and inserting in lieu thereof the following:

"For operation of its various campuses and programs

Personal Service and Expense and Equipment

From General Revenue Fund.....\$360,662,438

From Lottery Proceeds Fund.....34,312,296

For the purpose of funding the Capsule Pipeline Research Project

From General Revenue Fund.....300,000

For payment of refunds set off against debt as required by Section 143.786 RSMo

From Debt Offset Escrow Fund..... 1E

Total\$395,274,735".

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1003, Page 8, Section 3.090, Line 4, by deleting the number "95,065,655" and inserting in lieu thereof the number "95,273,655" and further amend said section, line 16, by deleting the number "134,036,407" and inserting in lieu thereof the number "134,244,407".

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1003**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1003**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley

Caskey

Childers

Clay

DePasco

Ehlmann

Flotron

Goode

House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Rohrbach	Russell	Schneider	Scott
Singleton	Staples	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Banks	Quick	Sims--3
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Absent with leave--Senators

Curls	Graves--2
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The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for **HB 1004**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 1004**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1004An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1004** be adopted.

Senator Lybyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1004, Page 29, Section 4.285, by inserting immediately after said section the following new section:

"Section 4.288. To the Department of Transportation

For the Transit Program

For the purpose of providing matching funds for grants received by local governments under Section 5309, Title 49, United States Code for a feasibility study and preliminary engineering associated with development of commuter rail service. No state funds are to be expended until federal funds are received.

From General Revenue Fund\$ 262,500".

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1004, Page 14, Section 4.040, Line 3, by inserting immediately after the number "318,792,419" the letter "E".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1004**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1004**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators		
Curls	Graves--2		

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for **HB 1005**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 1005**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1005An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1005** be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1005** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--31	

NAYS--Senator Graves--1

Absent--Senator Staples--1

Absent with leave--Senator Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for **HB 1006**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 1006**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1006An Act to appropriate money for the expenses, grants, refunds, and distributions of the

Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1006** be adopted.

Senator Maxwell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1006, Page 6, Section 6.040, Line 4, by deleting the number "609,746" and inserting in lieu thereof the number "709,746", and further amend said section, line 5, by deleting the number "1,535,206" and inserting in lieu thereof the number "1,635,206", and further amend said section, line 9, by deleting the number "1,705,703" and inserting in lieu thereof the number "1,805,703".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1006, Page 31, Section 6.322, Line 6, by adding after the word "Representatives" the words "from the non-attainment area" at line 8, after the word "Senate" the words "from the non-attainment area".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1006**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1006**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for **HB 1007**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 1007**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1007An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1007** be adopted.

Senator Wiggins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1007, Page 3, Section 7.030, Line 16, by adding immediately after said line, the following:

"Concurrent with this appropriation, the Department of Economic Development is hereby instructed to conduct an analysis of the viability and results of the Small Business Development Center system in Missouri and make recommendations to the General Assembly regarding the most cost effective way to provide state support for Small Business Development Centers.".

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1007, Page 16, Section 7.090, Line 7, by deleting the number "249,827" and inserting in lieu thereof the number "202,727" and further amend said section, line 9, by deleting the number "423,702" and inserting in lieu thereof the number "376,602" and further amend said section line 12 by deleting said line and inserting in lieu thereof the following new line:

"Total (Not to exceed 7.00 F.T.E.).....\$3,884,537".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1007**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1007**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for **HB 1008**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 1008**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1008An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1008** be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1008** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode

Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Bentley--1

Absent with leave--Senator Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for **HB 1009**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 1009**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1009An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1009** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1009, Pages 10 and 11, Section 9.255, by inserting immediately after said section the following new section:

"Section 9.256. To the Department of Corrections

For the Division of Adult Institutions

For the purpose of establishing a State/Local Government Cooperative to establish a St. Louis County Boot Camp

From General Revenue Fund\$2,000,000".

Senator Klarich moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1009** be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1009** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for **HB 1010**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 1010**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1010An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1010** be adopted.

Senator Maxwell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1010, Page 33, Section 10.645, by inserting immediately after said section the following new section:

"Section 10.647. To the Department of Health

For the Office of the Director

For Rural Health Science Careers

Personal Service and/or Expense and Equipment

From General Revenue Fund\$ 41,000".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1010, Pages 40 and 41, Section 10.715, Line 9 of said section, by deleting all language after "audit."; and

Further amend said bill, by deleting all language on page 42; and

Further amend said bill, page 43, by deleting lines 1 through 8.

Senator Jacob moved that the above amendment be adopted.

Senator Kinder requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Childers, Ehlmann, Jacob and Klarich.

SA 2 failed of adoption by the following vote:

	YEAS--Senators		
Banks	Caskey	Clay	Goode
Howard	Jacob	Quick--7	
	NAYS--Senators		
Bentley	Childers	DePasco	Ehlmann
Flotron	Graves	House	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Rohrbach	Russell	Schneider	Scott
Singleton	Staples	Westfall	Wiggins
Yeckel--25			
	Absent--Senator Sims--1		
	Absent with leave--Senator Curls--1		

Senator Ehlmann offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1010, Page 43, Section

10.715, Line 8, by adding the following: "Any member of the Missouri General Assembly shall have standing to intervene in any State or Federal Court proceeding concerning the legality or constitutionality of this Section."

Senator Ehlmann moved that the above amendment be adopted.

Senator Banks raised the point of order that **SA 3** is out of order in that the amendment attempts to legislate in an appropriation bill.

Senator Mathewson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

President Pro Tem McKenna assumed the Chair.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1010**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1010**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators			
Clay	Jacob	Kenney--3	
Absent--Senators--None			
Absent with leave--Senator Curls--1			

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for **HB 1011**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 1011**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1011An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1011** be adopted.

Senator Lybyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1011, Page 40, Section 11.620, Line 8, by deleting the number "6,367,180" and inserting in lieu thereof the number "7,267,180" and further amend said section, line 9, by deleting the number "27,400,000" and inserting in lieu thereof the number "27,700,000" and further amend said section, line 11, by deleting the number "34,197,180" and inserting in lieu thereof the number "35,397,180".

Senator Lybyer moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Howard, Johnson and Sims.

SA 1 was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Curls--1			

Senator Banks offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1011, Pages 1 and 2, Section 11.005, Line 6 of said section, by deleting the number "186,693" and inserting in lieu thereof the number "181,693" and further amend said section by inserting immediately after said line the following:

"For expenses of the specific duties of Prince Hall Advisory Board\$5,000".

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1011**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1011**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Curls--1

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for HB 1012, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees established by the General Assembly, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up by Senator Lybyer.

SCS for HCS for HB 1012, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1012An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee

on Economic Development; and for the expenses of the interim committees established by the General Assembly, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1012** be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1012** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senator Caskey--1			
Absent--Senators--None			
Absent with leave--Senator Curls--1			

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 16, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas J. Hancock, D.O., Republican, 216 Burke Place, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 16, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jean Ellis, M.D., Democrat, 1600 Arrowhead Trail, Blue Springs, Jackson County, Missouri 64014, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2001, and until her successor is duly appointed and qualified; vice, Valerie Walker, M.D., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 16, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sam A. Burton, Ph.D., 4030 CR 13848, P.O. Box 371, Rolla, Phelps County, Missouri 65402, as a member of the Children's Trust Fund Board, for a term ending September 15, 1998, and until his successor is duly appointed and qualified; vice, Susan Noaker, Ph.D., resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 16, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

David C. Zimmerman, Democrat, #5 River Cove, P.O. Box 96, Crystal City, Jefferson County, Missouri 63019, as a member of the Air Conservation Commission, for a term ending October 13, 2000, and until his successor is duly appointed and qualified; vice, Frank Beller, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 16, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Benedict K. Zobrist, Ph.D., 71-B T Street, Lake Lotawana, Jackson County, Missouri 64086, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 16, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John Christopher Wilt, 5005 George, Kansas City, Jackson County, Missouri 64133, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2000, and until his successor is duly appointed and qualified; vice, Barbara Potts, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 16, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carol Ann Freeman, 6273 Highway MM, Cabool, Texas County, Missouri 65689, as a member of the Committee for 911 Service Oversight, for a term ending April 15, 2000, and until her successor is duly appointed and qualified; vice, RSMo. 650.330.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 16, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mark G. Haenchen, 13148 Barrett Meadows Drive, Ballwin, St. Louis County, Missouri 63021, as a member of the Low-level Radioactive Waste

Compact Advisory Committee, for a term ending April 9, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 16, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Margie L. Dyer, 1005 St. Charles Avenue, St. Charles, St. Charles County, Missouri 63301, as a public member of the Low-level Radioactive Waste Compact Advisory Committee, for a term ending April 9, 1999, and until her successor is duly appointed and qualified; vice, Thomas (Lew) Pitchford, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 16, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Marie E. Steinwachs, Democrat, 1221 West Tracker Road, Nixa, Christian County, Missouri 65714, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 764**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 658**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 535**, entitled:

An Act to repeal section 137.115, RSMo 1994, and section 163.011, RSMo Supp. 1997, relating to the assessment of property, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 537**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 488**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 918**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 684**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 820**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 626**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 626, Page 1, Section 407.307, Line 4, by deleting the number "**407.757**" and inserting in lieu thereof the number "**407.756**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 928**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 842**, entitled:

An Act to repeal section 217.360, RSMo Supp. 1997, relating to offenses committed on the premises of correctional centers, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 579**, entitled:

An Act authorizing the governor to convey certain state property.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 695**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 553**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 553, Page 1, In the Title, Lines 2 to 3, by deleting all of said lines and inserting in lieu thereof the following: "To repeal sections 167.223, 178.790 and 178.890, RSMo 1994, relating to postsecondary education, and to enact in lieu thereof three new sections relating to the same subject."; and

Further amend said bill, Page 1, Section A, Lines 1 to 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 167.223, 178.790 and 178.890, RSMo 1994, are repealed and three new sections enacted in lieu thereof, to be known as sections 167.223, 178.790 and 178.890, to read as follows:"; and

Further amend said bill, Page 2, Section 167.223, Line 17, by inserting after all of said line the following:

"178.790. The boundaries of any [junior] **community** college district organized [under] **pursuant to** sections 178.770 to 178.890 shall coincide with the boundaries of the school district or of the contiguous school districts proposed to be included, and the [junior] **community** college district shall be in addition to any other school districts existing in any portion of the area.

178.890. 1. If the area of an entire school district which adjoins a [junior] **community** college district organized [under] **pursuant to** sections 178.770 to 178.890 desires to be attached thereto and become a part of the [junior] **community** college district it may do so in the manner provided for annexation [under] **pursuant to** section 162.441, RSMo. If the area of an entire school district which adjoins a district offering a two-year college course [under] **pursuant to** section 178.370 on October 13, 1961, and receiving aid [under] **pursuant to** section 163.191, RSMo, desires to be attached thereto for [junior] **community** college purposes only, the annexation shall be completed [under] **pursuant to** section 162.441, RSMo, and upon the annexation, a special [junior] **community** college district shall be established in the entire area as provided in sections 178.770 to 178.890, and notice thereof shall be given to the state board of education. The state board of education, within sixty days, shall call a special election for the election of trustees to be conducted in the manner provided in section 178.820.

2. If the entire area of a school district not adjoining or contiguous with an established and existing community college district organized pursuant to sections 178.770 to 178.890, desires to become part of such an established and existing community college district which lies in whole or in part in a county which is either:

(1) Adjacent to the county in which the school district lies in whole or in part; or

(2) Adjacent to a county which does not have a public four-year open enrollment college or university, which is adjacent to the county in which the school district lies in whole or in part, such school district may do so in the manner provided for annexation pursuant to section 162.441, RSMo, and in such instances, it shall not be required that such school district be adjacent to or adjoin such a community college district, and the subdistrict or subdistricts in the area comprising the petitioning school district need not be contiguous with the subdistricts of the receiving community college district.

3. If the board of trustees of the receiving district rejects the petition for annexation, the state board of education may be petitioned for a hearing and upon receipt of the petition the state board shall establish the time and place and proceed to a hearing. If the state board of education finds that refusal to honor the petition for annexation has been made without good cause, the state board in its discretion may withhold a portion or all of the state aid from the district which is payable [under] **pursuant to** the provisions of section 163.191, RSMo."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 597**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 841**, entitled:

An Act to repeal sections 50.1000, 50.1040, 50.1090, 50.1100 and 50.1140, RSMo 1994, and section 50.1110, RSMo Supp. 1997, relating to certain retirement systems, and to enact in lieu thereof eight new sections relating to the same subject.

With House Perfecting Amendment No. 1

HOUSE PERFECTING AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 841, Page 4, Section 50.1090, Line 25, by inserting after the word "**calculation**" the word "**of**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 732**, entitled:

An Act to repeal sections 337.010, 337.025 and 337.033, RSMo 1994, and sections 337.020, 337.021, 337.029 and 337.045, RSMo Supp. 1997, relating to the regulations and licensing of psychologists, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 479**, entitled:

An Act to repeal section 247.040, RSMo Supp. 1997, relating to public water supply districts, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 550**, entitled:

An Act to repeal section 233.187, RSMo Supp. 1997, relating to the appointment of a treasurer of road districts, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 733**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 733, Page 3, Section 169.050, Line 66, by deleting all of said line and inserting in lieu thereof the following: "a period [of] not longer than five years **or the length of service to be reinstated whichever is longer,**"; and

Further amend said bill, Page 6, Section 169.056, Line 70, by deleting the word "and" and inserting in lieu thereof the words "[and] **or**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 642**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 652**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 720**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 961**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 976**, entitled:

An Act to repeal section 168.221, RSMo 1994, relating to metropolitan school districts, and to enact in lieu thereof two new sections relating to the same subject, with a contingent effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1302**, entitled:

An Act relating to certain health care providers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1480** and has again taken up and passed **SCS** for **HB 1480**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1536**, entitled:

An Act to repeal sections 302.291 and 302.292, RSMo 1994, and section 302.130, RSMo Supp. 1997, relating to the reporting and examination of impaired drivers, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions and an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 766**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1783**, entitled:

An Act to repeal sections 226.525 and 226.535, RSMo 1994, relating to historical and public interest signs along the highways, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Johnson assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HB 1021--Appropriations.

HS for **HCS** for **HBs 1237, 1409, 1166, 1154** and **1491**--Labor and Industrial Relations.

HS for **HCS** for **HBs 1405, 1109** and **1335**--Civil and Criminal Jurisprudence.

HB 1489--Commerce and Environment.

HB 1836--Corrections and General Laws.

HCS for **HB 998**--Civil and Criminal Jurisprudence.

HJR 26--Civil and Criminal Jurisprudence.

BILL REFERRALS

President Pro Tem McKenna referred **HS** for **HCS** for **HB 1601, 1591, 1592, 1479** and **1615** and **HCS** for **HB 1094, 1213, 1311** and **1428**, with **SCS**; **HCS** for **HB 1469**, with **SCS**; **HCS** for **HBs 1681** and **1342**, with **SCS**; **HS** for **HCS** for **HB 1161**, with **SCS**; **HCS** for **HB 1620**, with **SCS**; **HCS** for **HBs 1519** and **1165**, with **SCS**; and **HS** for **HB 1694**, with **SCS**, to the Committee on State Budget Control.

RESOLUTIONS

Senator Russell offered Senate Resolution No. 1652, regarding the Hartville High School Boys Basketball Team, which was adopted.

Senator Howard offered Senate Resolution No. 1653, regarding Christopher Carlton, which was adopted.

Senator Howard offered Senate Resolution No. 1654, regarding the Fiftieth Anniversary of the Cotton Boll Area Girl Scout Council, which was adopted.

Senator Howard offered Senate Resolution No. 1655, regarding the Tenth Anniversary of the Bootheel Education Center, Malden, which was adopted.

COMMUNICATIONS

Senator Maxwell submitted the following:

April 20, 1998

Ms. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Rm. 325

Jefferson City, MO 65101

Dear Ms. Spieler:

Pursuant to Senate Rule 45, I hereby object to House Bill 1569 being placed on the Consent Calendar and formally request the bill be removed.

Yours sincerely,

/s/ Joe

Joe Maxwell

STATE SENATOR

District 18

Senator McKenna submitted the following:

April 20, 1998

Ms. Terry Spieler

Secretary of the Senate

Missouri State Capitol, Room 325

Jefferson City, MO 65101

Dear Ms. Spieler:

Pursuant to Senate Rule 45, I hereby object to Senate Committee Substitute for House Bill 1293 being placed on the Consent Calendar and formally request this bill be removed from said Calendar.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Missouri Senate

MESSAGES FROM THE GOVERNORThe following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 1998

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate

Bills Nos. 707 & 484 entitled:

"AN ACT"

To repeal sections 99.820 and 99.845 as enacted by conference committee substitute for house committee substitute for senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly, relating to tax increment financing, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

On April 20, 1998, I approved said Senate Committee Substitute for Senate Bills Nos. 707 and 484.

Respectfully submitted,

MEL CARNAHAN

Governor

INTRODUCTIONS OF GUESTS

Senator Staples introduced to the Senate, Cecilia Eskameeya, Davis, California.

Senator Maxwell introduced to the Senate, Herman Truitt and Bill Novinger, Kirksville.

Senator Sims introduced to the Senate, Miriam Lee, St. Louis; and Miriam was made an honorary page.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SIXTH DAY--TUESDAY, APRIL 21, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, there is so much to do and so little time. We pray for the ability to use our time wisely and to invest our hours in worthwhile activities. We don't ask for more time but for help in using the time we have. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

THIRD READING OF SENATE BILLS

SB 751, introduced by Senators Mathewson and Kenney, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to economic incentives for the entertainment industry administered by the department of economic development.

Was taken up by Senator Mathewson.

Senator Wiggins assumed the Chair.

On motion of Senator Mathewson, **SB 751** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Childers	Clay	DePasco

Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	McKenna	Mueller	Quick
Scott	Sims	Wiggins	Yeckel--20
	NAYS--Senators		
Bentley	Caskey	Ehlmann	Flotron
Goode	Lybyer	Maxwell	Rohrbach
Russell	Singleton	Staples	Westfall--12
	Absent--Senator Schneider--1		
	Absent with leave--Senator Curls--1		

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 651**, introduced by Senator McKenna, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 651 An Act to repeal sections 104.540, 210.826, 210.830, 452.150, 452.310, 452.355, 452.377, 452.405, 452.411, 452.416, 452.600, 452.605 and 454.432, RSMo 1994, and sections 193.215, 210.109, 210.822, 287.820, 452.340, 452.375, 452.400, 452.423, 452.490, 454.390, 454.408, 454.413, 454.440, 454.455, 454.460, 454.490, 454.505 and 476.688, RSMo Supp. 1997, relating to child custody and child support proceedings, and to enact in lieu thereof thirty-eight new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator McKenna, **SS** for **SCS** for **SB 651** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senator Curls--1		

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SCS for **SBs 515** and **783**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 515 and 783

An Act relating to the civil commitment of sexual predators.

Was taken up by Senator Klarich.

President Pro Tem McKenna assumed the Chair.

On motion of Senator Klarich, **SCS** for **SBs 515** and **783** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Clay--1			
Absent--Senator Banks--1			
Absent with leave--Senator Curls--1			

The President Pro Tem declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SS for **SB 478**, introduced by Senator Caskey, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 478

An Act to repeal sections 217.710 and 571.030, RSMo Supp. 1997, relating to probation and parole officers, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Caskey, **SS** for **SB 478** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay

DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Banks	Jacob--2		
	Absent with leave--Senator Curls--1		

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SCS for **SB 523**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 523

An Act to amend chapter 355, RSMo, by adding thereto thirteen new sections relating to transfers of assets by nonprofit hospitals, with an emergency clause.

Was taken up by Senator Sims.

On motion of Senator Sims, **SCS** for **SB 523** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Banks--1		
	Absent with leave--Senator Curls--1		

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves

House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Banks Bentley--2

Absent with leave--Senator Curls--1

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SS for **SB 792**, introduced by Senator Mathewson, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 792

An Act to repeal sections 408.100, 408.200, 408.232 and 408.233, RSMo 1994, and section 408.140, RSMo Supp. 1997, relating to financial transactions, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up.

On motion of Senator Mathewson, **SS** for **SB 792** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Graves
House	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Howard--1		
	Absent--Senators		
Banks	Goode--2		
	Absent with leave--Senator Curls--1		

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 471**, with **SCS, SS** for **SCS, SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 1** was again taken up.

At the request of Senator Schneider, **SB 471**, with **SCS, SS** for **SCS, SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

Senator Mathewson assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for **HB 976**--Education.

HB 1302--Public Health and Welfare.

HCS for **HB 1536**--Transportation.

HCS for **HBs 1737** and **1345**--Commerce and Environment.

HB 1783--Transportation.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 832**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 580**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1564**, entitled:

An Act to amend chapter 644, RSMo, relating to the authorization of additional state bonds by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1126**, entitled:

An Act to repeal sections 105.273 and 105.274, RSMo 1994, and to enact in lieu thereof thirty-one new sections relating to certain authorized signatures, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1684**, entitled:

An Act relating to the establishment of the family care safety act, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1317**, entitled:

An Act to repeal sections 303.041, 303.042, 303.043, 303.044, 303.140, 303.290, 304.012, 304.230, 304.235, 307.020, 307.353, 307.355, 307.360, 307.365, 307.390 and 577.023, RSMo 1994, and sections 301.074, 301.140, 302.020, 302.130, 302.138, 302.171, 302.181, 302.302, 302.309, 302.545, 303.024, 303.025, 303.026, 303.030, 304.015, 304.017, 307.350, 307.375, 577.020 and 577.041, RSMo Supp. 1997, relating to the operation of motor vehicles, and to enact in lieu thereof forty-two new sections relating to the same subject, with penalty provisions and an expiration date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 917**.

Bill ordered enrolled.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 1656, regarding Michael Davis, Poplar Bluff, which was adopted.

Senator Mathewson offered Senate Resolution No. 1657, regarding the Fiftieth Anniversary of the Lexington Area Chamber of Commerce, which was adopted.

Senator House offered Senate Resolution No. 1658, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ray Norton, St. Charles County, which was adopted.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1507**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 471**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 1** was again taken up.

Senator Rohrbach offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 471, Page 4, Section 3, Lines 15-19 of said page, by deleting all of said lines; and by renumbering the remaining subsections accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 2** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 471, Page 4, Section 3.5, Lines 11 & 12, by striking the words "an order or ordinance" and amend line 13, by striking the words "ordinance or order"; and amend line 9, by striking the words "ordinance or order".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Mueller offered **SA 3** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 3 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 471, Page 5, Section 9, Line 1, by deleting lines 1-3 and delete "control." on line 4.

Senator Mueller moved that the above amendment be adopted.

Senator Kinder requested a roll call vote be taken on the adoption of **SA 3** to **SSA 1** for **SA 1** and was joined in his request by Senators Mueller, Rohrbach, Russell and Singleton.

SA 3 to **SSA 1** for **SA 1** failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Flotron	Graves
Howard	Kenney	Kinder	Lybyer
Mueller	Rohrbach	Russell	Sims
Singleton	Staples	Westfall	Yeckel--16
NAYS--Senators			
Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Goode	House
Jacob	Johnson	Klarich	Mathewson
Maxwell	McKenna	Quick	Schneider
Scott	Wiggins--18		
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Westfall offered **SA 4** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 4 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 471, Page 1, Section 2, Line 14 of said amendment, by inserting immediately after said line the following:

"Further amend said bill and section, line 7, page 14, by inserting at the end of said line the following: "**The costs of such mediation services shall be borne by appropriation of funds by the general assembly.**"; and".

Senator Westfall moved that the above amendment be adopted.

At the request of Senator Westfall, **SA 4** to **SSA 1** for **SA 1** was withdrawn.

Senator Childers offered **SA 5** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 5 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 471, Page 3, Section 3.4, Line 9, by inserting before the word "financial" on said line the words "**decision shall not exceed the reasonable**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

SSA 1 for **SA 1**, as amended, was again taken up.

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in

his request by Senators Kinder, Quick, Russell and Wiggins.

SSA 1 for SA 1, as amended, failed of adoption by the following vote:

YEAS--Senators			
Banks	Caskey	Clay	Curls
DePasco	House	Howard	Jacob
Johnson	Mathewson	Maxwell	McKenna
Quick	Schneider	Scott	Staples
Wiggins--17			
NAYS--Senators			
Bentley	Childers	Ehlmann	Flotron
Goode	Graves	Kenney	Kinder
Klarich	Lybyer	Mueller	Rohrbach
Russell	Sims	Singleton	Westfall
Yeckel--17			
Absent--Senators--None			
Absent with leave--Senators--None			

SA 1 was again taken up.

At the request of Senator Schneider, the above amendment was withdrawn.

Senator Staples offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 471, Page 2, Section 105.510, Lines 23-25, by striking all of said lines and inserting in lieu thereof the following:

"105.510. 1. State employees except Missouri state highway patrolmen, Missouri national guard, and teachers of colleges and universities"; and

Further amend said section, page 3, line 1, by striking "any public body".

Senator Staples moved that the above amendment be adopted.

Senator Childers offered SSA 1 for SA 2, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 471, Page 2, Section 105.500, Line 16, by deleting the words "the sole" on said line and inserting in lieu thereof the word "A" and further amend said bill, section 105.510, page 2, line 23, by deleting all of lines 23, 24 and 25 of page 2 and inserting in lieu thereof the following:

"105.510. 1. Employees, except police, deputy sheriffs, Missouri state highway patrol personnel, Missouri national guard, all teachers of all Missouri schools, colleges and universities, of".

Senator Childers moved that the above substitute amendment be adopted.

Senator Quick assumed the Chair.

At the request of Senator Childers, **SSA 1** for **SA 2** was withdrawn.

At the request of Senator Staples, **SA 2** was withdrawn.

President Pro Tem McKenna assumed the Chair.

Senator Childers offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 471, Page 2, Section 105.500, Line 16, by deleting the words "the sole" on said line and inserting in lieu thereof the word "**A**" and further amend said bill, section 105.510, page 2, line 23, by deleting all of lines 23, 24 and 25 of page 2 and inserting in lieu thereof the following:

"105.510. 1. Employees, except police, deputy sheriffs, Missouri state highway patrol personnel, Missouri national guard, all teachers of all Missouri schools, colleges and universities, of".

Senator Childers moved that the above amendment be adopted.

Senator Schneider requested a division of the question on **SA 3**, asking that a vote first be taken on the part of the amendment dealing with page 2, section 105.500, line 16 and that a second vote be taken on the portion of the amendment dealing with page 2, section 105.510, lines 23, 24 and 25, which request was granted.

Senator Schneider requested a roll call vote be taken on Part 1 and Part 2 of **SA 3** and was joined in his request by Senators Childers, Clay, Mueller and Staples.

Senator Childers moved that Part 1 be adopted, which motion failed by the following vote:

YEAS--Senators			
Bentley	Childers	Flotron	Graves
Kenney	Kinder	Mueller	Rohrbach
Russell	Sims	Singleton	Staples
Westfall	Yeckel--14		
NAYS--Senators			
Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Goode	House
Howard	Jacob	Johnson	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Quick	Schneider	Scott	Wiggins--20
Absent--Senators--None			
Absent with leave--Senators--None			

Part 2 of **SA 3** was taken up.

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

At the request of Senator Childers, Part 2 of **SA 3** was withdrawn.

Senator Goode offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 471, Page 12, Section 1, Line 16 of said page, by inserting immediately after all of said line the following:

"(1) "Arbitration", the procedure whereby the parties involved in an impasse or grievance dispute submit their differences to a third party for a determinative decision;"; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill, Page 14, Section 2, Line 2 of said page, by inserting immediately after the period "." the following: **"With respect to public bodies other than the state and a representative of a unit of employees of that public body,"**; and

Further amend said bill, Page 14, Section 2, Line 7 of said page, by inserting immediately after all of said line the following:

"Section 3. 1. With respect to negotiations between the state and an exclusive representative of a unit of state employees, if the mediator determines that mediation services are no longer helpful, either party may submit the unresolved issues to arbitration by an arbitrator. The board shall provide the parties with a list of seven qualified arbitrators. Each party shall alternately strike one name from the list with the party submitting the impasse to arbitration making the first strike until one name remains who shall be the arbitrator for the parties involved in the dispute.

2. Each party shall submit a final offer on each separate item remaining at impasse to the arbitrator and the other party. The arbitrator shall determine that either the final offer of the employer or the final offer of the exclusive representative on each separate issue shall be incorporated into the agreement, provided that the arbitrator shall not amend the offer of either party on any issue.

3. The arbitrator shall begin his hearings no later than thirty days after the request for arbitration in accordance with procedures prescribed by the board and the provisions of sections 435.350 to 435.470, RSMo, except section 435.460, RSMo, shall be applicable to the proceedings of the arbitrator. The arbitrator shall render a decision in writing no later than sixty days after initiation of arbitration. The costs of such arbitrations shall be borne equally by the parties.

4. In making any decision under the impasse procedures authorized by this section, the arbitrator shall consider the following factors:

- (1) The effect of an agreement on the ability of the public body to provide public services at current levels;**
- (2) The lawful authority of the public body;**
- (3) Stipulations of the parties;**
- (4) The interests and welfare of the public;**
- (5) The financial ability of the public body to meet the costs of any items to be included in the contract;**
- (6) Comparison of wages, hours and terms and conditions of employment of the employees involved in the arbitration proceedings with the wages, hours and terms and conditions of employment of other persons performing similar services in the public and private sector;**
- (7) The average consumer prices for goods and services, commonly known as the "cost of living" or the consumer price index;**
- (8) The overall compensation presently received by the employees involved in the arbitration, including, but not limited to, wages, health and life insurance, vacations, holidays and similar benefits;**

(9) Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings;

(10) Such other factors which are normally or traditionally taken into consideration in the determination of wages, hours and terms and conditions of employment through voluntary collective bargaining, mediation, fact finding, arbitration or otherwise between the parties, in the public service or in private employment.

5. After an agreement or arbitration decision has been entered, such decision shall be final and binding.

6. The agreement shall remain in effect for the term specified therein. Upon the expiration of an agreement, the terms of such agreement shall remain in effect until superseded by a new agreement.

7. In case of any conflict between the provisions of this act and any other law, executive order or administrative regulation, the provisions of this act shall prevail and control."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Schneider offered **SA 1** to **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 471, Page 4, Section 3.5, Line 6, by inserting after the word "binding" the words "subject to the appropriation of funds by the General Assembly".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

SA 4, as amended, was again taken up.

Senator Goode moved that the above amendment be adopted.

Senator Rohrbach requested a roll call vote be taken on the adoption of **SA 4**, as amended, and was joined in his request by Senators Childers, Mueller, Russell and Klarich.

SA 4, as amended, was adopted by the following vote:

YEAS--Senators			
Banks	Caskey	Clay	Curls
DePasco	Goode	House	Howard
Jacob	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Quick	Schneider
Scott	Staples	Wiggins--19	
NAYS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Sims
Singleton	Westfall	Yeckel--15	
Absent--Senators--None			
Absent with leave--Senators--None			

At the request of Senator Schneider, **SB 471**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the

Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SCS** for **SB 565**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HS** for **HCS** for **HB 1095**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HS** for **HCS** for **HB 1636**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 986**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 961; SB 928; SB 918; SCS for SB 820; SB 764; SB 720; SCS for SB 684; SCS for SB 652; SB 537; SB 488; SB 642; SB 658; SB 597; SB 695; SB 766; SB 580; SB 917; and SB 832**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 961; SB 928; SB 918; SCS for SB 820; SB 764; SB 720; SCS for SB 684; SCS for SB 652; SB 537; SB 488; SB 642; SB 658; SB 597; SB 695; SB 766; SB 580; SB 917; and SB 832**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1381**, entitled:

An Act relating to internet transmittal of votes for certain federal employees with an expiration date and an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 21, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kathy M. Crow, 3999 Jane Avenue, St. Ann, St. Louis County, Missouri 63074, as a member of the Drug Utilization Review Board, for a term ending October 15, 1998, and until her successor is duly appointed and qualified; vice, Brigitte Dabney, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 21, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas Eugene Whelan, 1203 Fairview, Independence, Jackson County, Missouri 64056, as a member of the Children's Trust Fund Board, for a term ending September 15, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 21, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Laurie Winterscheidt Hiler, Republican, 1632 Dunmorr Drive, Des Peres, St. Louis County, Missouri 63131, as a member of the Mississippi River Parkway Commission, for a term ending August 15, 2002, and until her successor is duly appointed and qualified; vice, Diane Haneklau, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 21, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Sam Burton, Ph.D. for the Children's Trust Fund Board, submitted to you on April 16, 1998. Line 1 should be amended to read:

A. Sam Burton, Ph.D., 4030 CR 13848, P.O. Box 371, Rolla, Phelps

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1659, regarding Daniel Ropchock, Blue Springs, which was adopted.

Senator Schneider offered Senate Resolution No. 1660, regarding Donald R. Zykan, St. Louis, which was adopted.

Senator House offered Senate Resolution No. 1661, regarding Joe Bruhl, which was adopted.

Senator Graves offered Senate Resolution No. 1662, regarding Mitchel Burns, Brookfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Quick introduced to the Senate, Head Coach, Mark Nusbaum; Assistant Coaches John Vickers and Roger Stirtz; Athletic Director, Steve Butler; and Jarrod McKay, Pierre Mosby, Nick Robinson, Chris Rouse, Matt Rowan, Ryan Stegall, Scott Fleming, Stephen Kelly, Ryan McClelland, Matt Morris, Jacob Street, Matt Fisher, Kent Dryer, Mike Jury and Adam Trout, members of the Liberty High School Division 4-A State Champion Basketball Team.

Senator Flotron introduced to the Senate, Al Lehmann and Ilene Briggermann, St. Louis.

Senator Schneider introduced to the Senate, Olivia Korte, and students from St. Dismas School, St. Louis; and Robert Korte, Michael Lorenz, Melissa Veit and Kathleen Finley were made honorary pages.

Senator Scott introduced to the Senate, Chris Ward, Michael Maixner and Andrew Baumann, St. Louis; and Chris, Michael and Andrew were made honorary pages.

Senator Klarich introduced to the Senate, Rahn E. Tieman, Ballwin.

Senator Kenney introduced to the Senate, Bob, Brenda, Victoria and Eli Brown, homeschoolers from Greenwood; and Victoria was made an honorary page.

Senator Graves introduced to the Senate, Reid and Katie Stephens, Chillicothe.

Senator Mathewson introduced to the Senate, Liz Blackburn, and thirty juniors and seniors from Pettis County R-V School, Hughesville; and Heidi Dollinger, Betsey Franzen, Chad Reid and Justin Simmons were made honorary pages.

On behalf of Senator Caskey and himself, Senator Maxwell introduced to the Senate, Dale and Eva Hall, and Virginia Head, Novelty.

Senator Jacob introduced to the Senate, twenty fourth grade students from Christian Fellowship School, Columbia.

Senator Clay introduced to the Senate, Je-nette Batz and Frank and Jeanette Ruso, St. Louis.

Senator Sims introduced to the Senate, Amy Norton, Val Williams, Dawn Martin, Hermelia Thorps and Ashley Gregory, St. Louis; and Dawn, Hermelia and Ashley were made honorary pages.

Senator Bentley introduced to the Senate, Lisa Glenn, Springfield; who was made an honorary page.

Senator Childers introduced to the Senate, Fred Hedgpeth II, John Robert Hedgpeth and Jay Tennison, Ozark; and John Robert was made an honorary page.

Senator Maxwell introduced to the Senate, Gretchen Meyers and William Meyers Godar, St. Louis; and William was made an honorary page.

Senator Rohrbach introduced to the Senate, Haley Quinn, Jefferson City.

Senator Flotron introduced to the Senate, twenty seventh through twelfth grade students from Parkway High School, St. Louis; and Robert Schwartz, Alex Fak, Shelley Kofsky and Sandra Park were made honorary pages.

Senator Caskey introduced to the Senate, Susie and Wendy Bernt, and Jessica Jackson, Warrensburg; and Michelle La Bounty, Knob Noster.

Senator Quick introduced to the Senate, one hundred forty eighth grade students from Eastgate Middle School, Kansas City; and Jessica Newman, Jeremy Dick, Rebecca Hart and Ben Goehrung were made honorary pages.

Senator Russell introduced to the Senate, Lee Eaton, Michelle Hedges, and sixty seventh grade students from Joel E. Barber School, Lebanon; and Alexander Hendrick, Michaela Looney, Brent Jenson and Deanna Mulrenin were made honorary pages.

Senator Lybyer introduced to the Senate, Ed Pratt, Salem.

Senator Mueller introduced to the Senate, Pamela Davis and representatives of the Christian Home Educator Day.

Senator Caskey introduced to the Senate, his wife, Kay; and citizens of Adrian, Butler and surrounding areas of Bates County.

Senator Graves introduced to the Senate, Amber Martin, and eleven juniors and seniors from Bosworth High School, Bosworth.

Senator Caskey introduced to the Senate, Samantha Robinson, Leeton; and Samantha was made an honorary page.

Senator Klarich introduced to the Senate, Dave Kutchback, St. Charles; Zip Rzeppa, Town and Country; Mel Auslander, Creve Couer; and Lewis Chartock, University City.

On behalf of Senator McKenna, the President introduced to the Senate, Charles and Audrey Vreeland, Hillsboro.

Senator Rohrbach introduced to the Senate, Elizabeth Kelling, Versailles.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Lyndell Scoles, M.D., Columbia.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SEVENTH DAY--WEDNESDAY, APRIL 22, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we pray for wisdom to blend our responsibility to our family with the responsibility to those who elected us. Help us to be faithful to our family and our state and to do right by both. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

SENATE BILLS FOR PERFECTION

Senator Flotron moved that **SB 813** and **SB 864**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 813** and **864**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 813 and 864

An Act to repeal section 305.230, RSMo 1994, section 144.805, RSMo Supp. 1997, and section 17 as enacted by conference committee substitute for house committee substitute for senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly, relating to aviation, and to enact in lieu thereof two new sections relating to the

same subject.

Was taken up.

Senator Flotron moved that **SCS** for **SBs 813** and **864** be adopted.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 813 and 864, Page 2, Section 144.805, Line 35, by inserting after all of said line the following:

"155.010. As used in this chapter, the following terms mean:

- (1) "Aircraft", any contrivance now known, or hereafter invented, used or designed for navigation of, or flight in, the air;
- (2) "Airline company", any person, firm, partnership, corporation, trustee, receiver or assignee, and all other persons, whether or not in a representative capacity, undertaking to engage in the carriage of persons or cargo for hire by commercial aircraft pursuant to certificates of convenience and necessity issued by the federal Civil Aeronautics Board, or successor thereof, or any noncertificated air carrier authorized to engage in irregular and infrequent air transportation by the federal Civil Aeronautics Board, or successor thereof;
- (3) "Aviation fuel", any fuel specifically compounded for use in reciprocating aircraft engines;
- (4) "Commercial aircraft", aircraft fully equipped for flight and of more than [ten] **seven** thousand pounds maximum certified gross take-off weight."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 813 and 864, Page 2, Section 144.805, Line 32, by inserting immediately after the words "shall be" the following: "**allocated as follows**:"

- (1) **Seventy-five percent of the revenue collected shall be returned to the airports where it was collected, to be used for maintenance or improvements; and**
- (2) **Twenty-five percent of the revenue shall be**".

Senator Clay moved that the above amendment be adopted.

Senator Johnson announced that photographers from the Senate and the Associated Press had been given permission to take pictures in the Senate Chamber today.

Senator Flotron offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 813 and 864, Page 2, Section 144.805, Line 32, by inserting

after the word "constitution" the following: "**or under section 144.701, RSMo**".

Senator Flotron moved that the above substitute amendment be adopted.

Senator Goode raised the point of order that **SSA 1** for **SA 2** is out of order in that it is not a true substitute amendment, as it could be offered at a later date.

President Pro Tem McKenna ruled the point of order well taken.

SA 2 was again taken up.

Senator Clay moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Flotron moved that **SCS** for **SBs 813** and **864**, as amended, be adopted, which motion prevailed.

On motion of Senator Flotron, **SCS** for **SBs 813** and **864**, as amended, was declared perfected and ordered printed.

SB 856, with **SCA 1**, was placed on the Informal Calendar.

Senator Mathewson moved that **SB 831**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 831**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 831

An Act to repeal sections 447.700, 447.702, 447.704, 447.706 and 447.708, RSMo Supp. 1997, relating to tax credits for economic development purposes, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 831** be adopted.

Senator Mathewson offered **SS** for **SCS** for **SB 831**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 831

An Act to repeal section 100.010, RSMo 1994, and sections 100.710, 135.110, 447.700, 447.702, 447.704, 447.706 and 447.708, RSMo Supp. 1997, and section 620.1039 as enacted by senate bill no. 1 of the second extraordinary session, eighty-ninth general assembly, relating to tax credits for economic development purposes, and to enact in lieu thereof thirty-two new sections relating to the same subject.

Senator Mathewson moved that **SS** for **SCS** for **SB 831** be adopted.

At the request of Senator Mathewson, **SB 831**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Sims moved that **SB 522**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 522**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 522

An Act to repeal sections 302.291 and 302.292, RSMo 1994, and to enact in lieu thereof two new sections relating to the reporting and examination of impaired drivers, with penalty provisions and an emergency clause.

Was taken up.

Senator Sims moved that **SCS** for **SB 522** be adopted.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 522, Page 2, Section 302.291, Line 31, by inserting immediately after the word "eighteen" the following: ", **except that no person may report the same family member pursuant to this section more than one time during a twelve month period**"; and

Further amend said bill, Page 2, Section 302.291, Line 43, by inserting immediately after the word "diagnosed" the words "**or assessed**"; and

Further amend said bill, Page 2, Section 302.291, Line 44, by inserting immediately after the word "diagnosis" the words "**or assessment**"; and

Further amend said bill, Page 3, Section 302.291, Line 59, by inserting immediately after the period "." the following: "**The department of revenue shall also develop a complaint/ grievance procedure for drivers who believe they have been discriminated against on the basis of physical disability.**"; and

Further amend said bill, Page 3, Section 302.291, Line 74, by inserting immediately after all of said line the following:

"11. Any individual whose condition is temporary in nature as reported pursuant to the provisions of subsection 4 of this section shall have the right to petition the director of the department of revenue for total or partial reinstatement of his or her license. Such request shall be made on a form prescribed by the department of revenue and accompanied by a statement from a health care provider with the same or similar license as the health care provider who made the initial report resulting in the limitation or loss of the driver's license. Such petition shall be decided by the director of the department of revenue within thirty days of receipt of the petition. Such decision by the director is appealable pursuant to subsection 10 of this section."

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Sims moved that **SCS** for **SB 522**, as amended, be adopted, which motion prevailed.

On motion of Senator Sims, **SCS** for **SB 522**, as amended, was declared perfected and ordered printed.

Senator Wiggins moved that **SB 762**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 762**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 762

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for dental care for children and persons with disabilities.

Was taken up.

Senator Wiggins moved that **SCS** for **SB 762** be adopted.

Senator Schneider offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 762, Page 1, Section 376.1225, Line 13, by inserting after the word "hospital" the words "or office"; and amend line 15, by striking the period and inserting the words "or office.".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 762, Page 1, Section A, Line 2, by inserting immediately after all of said line the following:

"197.200. As used in sections 197.200 to 197.240, unless the context clearly indicates otherwise, the following terms mean:

(1) "Ambulatory surgical center", any public or private establishment operated primarily for the purpose of performing surgical procedures or primarily for the purpose of performing childbirths, and which does not provide services or other accommodations for patients to stay **within the establishment** more than twenty-three hours [within the establishment] **for surgical procedures, forty-eight hours following vaginal deliveries or ninety-six hours following cesarean sections**, provided, however, that nothing in this definition shall be construed to include the offices of dentists currently licensed pursuant to chapter 332, RSMo;

(2) "Dentist", any person currently licensed to practice dentistry pursuant to chapter 332, RSMo;

(3) "Department", the department of health;

(4) "Governmental unit", any city, county or other political subdivision of this state, or any department, division, board or other agency of any political subdivision of this state;

(5) "Person", any individual, firm, partnership, corporation, company, or association and the legal successors thereof;

(6) "Physician", any person currently licensed to practice medicine pursuant to chapter 334, RSMo;

(7) "Podiatrist", any person currently licensed to practice podiatry pursuant to chapter 330, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins moved that **SCS** for **SB 762**, as amended, be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **SB 762**, as amended, was declared perfected and ordered printed.

Senator Goode moved that **SB 613**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 613**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 613

An Act to amend chapter 66, RSMo, by adding thereto one new section relating to water service lines in certain counties, with an emergency clause.

Was taken up.

Senator Goode moved that **SCS** for **SB 613** be adopted.

Senator Schneider offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 613, Page 2, Section 66.405, Line 45, by adding the following:

"6. Any city providing such services shall be liable for civil torts in the same manner and to same extent as a private entity providing the same or similar services, including, but not limited to the operation of motor vehicles and the maintenance of dangerous conditions of property".

Senator Schneider moved that the above amendment be adopted.

Senator Goode raised the point of order that **SA 1** is out of order, as it is not germane to the subject matter of the bill.

Senator Johnson assumed the Chair.

The point of order was referred to the President Pro Tem.

At the request of Senator Schneider, **SA 1** was withdrawn, rendering the point of order moot.

President Pro Tem McKenna assumed the Chair.

Senator Goode moved that **SCS** for **SB 613** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **SB 613** was declared perfected and ordered printed.

Senator Howard moved that **SB 871**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 871**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 871

An Act to repeal section 660.250, RSMo 1994, relating to protection of the elderly, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Howard moved that **SCS** for **SB 871** be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **SB 871** was declared perfected and ordered printed.

Senator Caskey moved that **SB 910**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion failed.

Senator Caskey offered **SS** for **SB 910**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 910

An Act to repeal sections 104.540, 210.826, 210.830, and 454.432, RSMo 1994, and sections 193.215, 210.822, 287.820, 454.390, 454.408, 454.413, 454.440, 454.455, 454.460, 454.490, 454.505 and 476.688, RSMo Supp. 1997, relating to child support, and to enact in lieu thereof eighteen new sections relating to the same subject.

Senator Caskey moved that **SS** for **SB 910** be adopted.

Senator Johnson announced that photographers from KSPR-TV had been given permission to take pictures in the Senate Chamber today.

Senator Johnson assumed the Chair.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 910, Page 39, Section 476.688, Line 11 of said page, by inserting after all of said line the following:

"Section 1. No garnishment, withholding, or other financial legal proceeding shall be levied or maintained against a party whose child support obligation has been fulfilled or brought to term by such responsible party unless entered into voluntarily by such party or by court order. The burden of proving non-compliance of such party shall rest with the division of child support enforcement and shall verify such non-compliance on request."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Caskey, **SB 910**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Caskey moved that **SB 910**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Klarich, the above amendment was withdrawn.

At the request of Senator Caskey, **SB 910**, with **SS** (pending), was placed on the Informal Calendar.

President Pro Tem McKenna assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **HB 1480**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

SENATE BILLS FOR PERFECTION

Senator Curls moved that **SB 802**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 802**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 802

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to state historic sites, with an emergency clause.

Was taken up.

Senator Curls moved that **SCS** for **SB 802** be adopted, which motion prevailed.

On motion of Senator Curls, **SCS** for **SB 802** was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1002** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1003**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1004**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1005** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1006**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1007**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1008** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1009** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1010**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1011**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1012** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Lybyer moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 1002**; **SCS** for **HCS** for **HB 1003**, as amended; **SCS** for **HCS** for **HB 1004**, as amended; **SCS** for **HCS** for **HB 1005**; **SCS** for **HCS** for **HB 1006**, as amended; **SCS** for **HCS** for **HB 1007**, as amended; **SCS** for **HCS** for **HB 1008**; **SCS** for **HCS** for **HB 1009**; **SCS** for **HCS** for **HB 1010**, as amended; **SCS** for **HCS** for **HB 1011**, as amended; and **SCS** for **HCS** for **HB 1012** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1002**; **SCS** for **HCS** for **HB 1003**, as amended; **SCS** for **HCS** for **HB 1004**, as amended; **SCS** for **HCS** for **HB 1005**; **SCS** for **HCS** for **HB 1006**, as amended; **SCS** for **HCS** for **HB 1007**, as amended; **SCS** for **HCS** for **HB 1008**; **SCS** for **HCS** for **HB 1009**; **SCS** for **HCS** for **HB 1010**, as amended: Senators Lybyer, Goode, Wiggins, Russell and Singleton.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1011**, as amended: Senators Lybyer, Goode, Maxwell, Russell and Singleton.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1012**: Senators Lybyer, Goode, Wiggins, Russell and Singleton.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1822**, entitled:

An Act to repeal sections 210.720 and 211.183, RSMo 1994, and sections 211.171, 211.447 and 453.010, RSMo Supp. 1997, and to enact in lieu thereof five new sections for the purpose of complying with the federal mandates relating to permanency for children in alternative care, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1537**, entitled:

An Act relating to the welfare to work protection act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1051** and **1276**, entitled:

An Act to repeal sections 105.711, 537.610, 537.705 and 537.756, RSMo 1994, relating to claims against the state and its political subdivisions, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 964**, entitled:

An Act relating to the reimbursement for services of advanced practice nurses and registered nurse first assistants.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 870**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 649**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 828**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 829**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 551**.

Bill ordered enrolled.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 21, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Atkins W. Warren, 722 Walnut Street, Apartment 602, Kansas City, Jackson County, Missouri 64106, as a public member of the Committee for 911 Service Oversight, for a term ending April 21, 2000, and until his successor is duly appointed and qualified; vice, RSMo. 650.330.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointment to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HB 1229**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 1663, regarding Michelle Lee, Fulton, which was adopted.

Senator Scott offered Senate Resolution No. 1664, regarding Julius Hunter, St. Louis, which was adopted.

Senator Kenney offered Senate Resolution No. 1665, regarding Al Van Iten, Independence, which was adopted.

Senator Quick offered Senate Resolution No. 1666, regarding Wanda Titus, Platte County, which was adopted.

BILLS DELIVERED TO THE GOVERNOR

SB 961; SB 928; SB 918; SCS for SB 820; SB 764; SB 720; SCS for SB 684; SCS for SB 652; SB 537; SB 488; SB 642; SB 658; SB 597; SB 695; SB 766; SB 580; SB 917; and SB 832, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

On motion of Senator Quick, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

BILL REFERRALS

President Pro Tem McKenna referred **HB 1229**, with **SCS**, to the Committee on State Budget Control.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 566** be taken up for perfection, which motion prevailed.

On motion of Senator Goode, **SB 566** was declared perfected and ordered printed.

Senator Scott assumed the Chair.

Senator Caskey moved that **SB 910**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 910** was again taken up.

Senator McKenna offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 910, Page 5, Section 193.215, Line 19 of said page, by inserting immediately after all of said line the following:

"210.109. 1. The division of family services shall establish a child protection system [in eight areas of the state selected by the division] **for the entire state**.

2. The child protection system shall seek to promote the safety of children and the integrity and preservation of their families by conducting investigations or family assessments in response to reports of child abuse or neglect. The system shall endeavor to coordinate community resources and provide assistance or services to children and families identified

to be at risk, and to prevent and remedy child abuse and neglect.

3. In implementing the child protection system, the division shall:

(1) Receive and maintain reports pursuant to the provisions of subsections 1 and 2 of section 210.145;

(2) Forward the report to the appropriate division staff who shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child. The division may investigate any report, but shall conduct an investigation involving reports, which if true, would constitute a violation of section 565.050, RSMo, if the victim is a child less than eighteen years of age, a violation of section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or any other violation of chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, a violation of section 567.050, RSMo, if the victim is a child less than eighteen years of age, a violation of section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, a violation of section 573.025 or 573.035, RSMo, or an attempt to commit any such crimes;

(3) Communicate reports of child abuse or neglect to the appropriate local office, pursuant to the provisions of subsection 4 of section 210.145;

(4) Contact the appropriate law enforcement agency upon receipt of a report of a violation of section 565.020, 565.021, 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age, a violation of section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or any other violation of chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, a violation of section 567.050, RSMo, if the victim is a child less than eighteen years of age, a violation of section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, a violation of section 573.025 or 573.035, RSMo, or an attempt to commit any such crimes, and shall provide such agency with a detailed description of the report received. The appropriate law enforcement agency shall assist the division in the investigation or provide the division, within a reasonable time, an explanation in writing detailing the reasons why it is unable to assist;

(5) Cause a thorough investigation or family assessment and services approach to be initiated within twenty-four hours of receipt of the report from the division, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation or family assessment and services approach shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation or family assessment and services approach shall include direct observation of the subject child within twenty-four hours of the receipt of the report;

(6) Investigate, if it is determined that an investigation is necessary, in compliance with the provisions of section 210.145;

(7) Assess, in cases where the family assessment and services approach is used, any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(8) Provide services, in cases in which the family assessment and services approach is used, which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(9) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(10) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed;

(11) Conduct a family assessment and services approach on reports initially referred for an investigation, if it is determined that a complete investigation is not required. If law enforcement officers are involved in the investigation, they shall provide written agreement with this decision. The reason for the termination of the investigative process shall be documented in the record;

(12) Assist the child and family in obtaining services, if at any time during the investigation it is determined that the child or any member of the family needs services;

(13) Collaborate with the community to identify comprehensive local services and assure access to those services for children and families where there is risk of abuse or neglect;

(14) Contact the person who made the report under section 210.115, pursuant to the provisions of section 210.145;

(15) Forward any evidence of malice or harassment to the local prosecuting or circuit attorney as required by the provisions of section 210.145;

(16) Provide services as required by section 210.145;

(17) Use multidisciplinary services as required by section 210.145;

(18) Update the information in the information system within thirty days of an oral report of abuse or neglect. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation or family assessment and services approach, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations or family assessments within thirty days, unless good cause for the failure to complete the investigation or assessment is documented in the information system. If the investigation or family assessment is not completed within thirty days the information system shall be updated at regular intervals and upon the completion of the investigation. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter;

(19) Maintain a record which contains the facts ascertained which support the determination as well as the facts that do not support the determination.

4. By January 1, 1998, the division of family services shall submit documentation to the speaker of the house of representatives and the president pro tem of the senate on the success or failure of the child protection system established in this section. The general assembly may recommend statewide implementation or cancellation of the child protection system based on the success or failure of the system established in this section.

5. The documentation required by subsection 4 of this section shall include an independent evaluation of the child protection system completed according to accepted, objective research principles."; and

Further amend said bill, Page 13, Section 287.820, Line 12 of said page, by inserting immediately after all of said line the following:

"452.150. The father and mother living apart are entitled to an adjudication [of] **by** the circuit court as to their powers, rights and duties in respect to the custody and control and the services and earnings and management of the property of their unmarried minor children without any preference as between the said father and mother, and neither the father nor the mother has any right paramount to that of the other in respect to the custody and control or the services and earnings or of the management of the property of their said unmarried minor children; pending such adjudication the father or mother who actually has the custody and control of said unmarried minor children shall have the sole right to the custody and control and to the services and earnings and to the management of the property of said unmarried minor

children.

452.310. 1. All proceedings under sections 452.300 to 452.415 are commenced in the manner provided by the rules of the supreme court.

2. The petition in a proceeding for dissolution of marriage or legal separation shall be verified and shall allege the marriage is irretrievably broken and shall set forth:

- (1) The residence of each party and the length of residence in this state;
- (2) The date of the marriage and the place at which it was registered;
- (3) The date on which the parties separated;
- (4) The names, ages, and addresses of any living children of the marriage and whether the wife is pregnant;
- (5) Any arrangements as to the custody and support of the children and the maintenance of a spouse; and
- (6) The relief sought.

3. In listing the names, ages, and addresses of any living children of the marriage, the party filing the petition shall state which party has actual custody of any minor children, and, upon the filing of the petition, all unemancipated, unmarried minor children shall come under the immediate jurisdiction of the court in which the action is filed, unless a petition alleging abuse or neglect of such minor children is pending in the juvenile court. Thereafter, until permitted to do so by order of the court, neither party shall remove such minor children from the jurisdiction of the court [nor from the care and custody of the party which has custody of the children at the time the action is filed]. **The mere fact that one parent has actual custody of the minor children at the time of filing shall not create a preference for the court in its adjudication of custody, visitation and child support.**

4. A party shall submit a proposed parenting plan at the time of filing of a motion to modify or a petition involving custody or visitation issues. A party shall submit a proposed parenting plan when filing the answer in such cases or within thirty days after service of a motion to modify. The proposed parenting plan shall set forth the arrangements that the party believes to be in the best interest of the minor children and shall include but not be limited to:

- (1) A specific written schedule detailing the residential time for each child with each party including:**
 - (a) Major holidays stating which holidays a party has each year;**
 - (b) School holidays for school age children;**
 - (c) The child's birthday, Mother's Day and Father's Day;**
 - (d) Weekday and weekend schedules and for school age children how the winter, spring, summer and other vacations from school will be spent;**
 - (e) The times and places for transfer of the child between the parties in connection with the residential schedule;**
 - (f) A plan for sharing transportation duties associated with the residential schedule;**
 - (g) Appropriate times for telephone access;**
 - (h) Suggested procedures for notifying the other party when a party requests a temporary variation from the residential schedule;**
 - (i) Any suggested restrictions or limitations on access to a party and the reasons such restrictions are requested;**

(2) A specific written plan detailing how the decision-making rights and responsibilities will be shared between the parties including the following:

- (a) Educational decisions and methods of communicating information from the school to both parties;**
- (b) Medical, dental and health care decisions including how health care providers will be selected and a method of communicating medical conditions of the child and how emergency care will be handled;**
- (c) Extracurricular activities, including a method for determining which activities the child will participate in when those activities involve time during which each party is the custodian;**
- (d) Child care providers, including how such providers will be selected;**
- (e) Communication procedures including access to telephone numbers as appropriate;**
- (f) A dispute resolution procedure for those matters on which the parties disagree or in interpreting the parenting plan;**
- (g) If a party suggests no shared decision-making, a statement of the reasons for such a request;**

(3) How the expenses of the child, including child care, educational and extraordinary expenses as defined in the child support guidelines established by the supreme court, will be paid including:

- (a) The suggested amount of child support to be paid by each party;**
- (b) The party who will maintain or provide health insurance for the child and how the medical, dental, vision, psychological and other health care expenses of the child not paid by insurance will be paid by the parties;**
- (c) The payment of educational expenses, if any;**
- (d) The payment of extraordinary expenses of the child, if any;**
- (e) Child care expenses, if any;**
- (f) Transportation expenses, if any.**

5. If the proposed temporary parenting plans of the parties differ and the parties cannot resolve the differences or if any party fails to file a proposed parenting plan, upon motion of either party and an opportunity for the parties to be heard, the court shall enter a temporary order with a specific residential schedule and specific decision-making authority as well as temporary orders for child support and health insurance for the child which will remain in effect until further order of the court. The temporary order entered by the court shall not create a preference for the court in its adjudication of final custody, child support or visitation.

[4.] 6. The other party must be served in the manner provided by the rules of civil procedure and applicable court rules and may within thirty days after the date of service file a verified answer.

[5.] 7. Previously existing defenses to divorce and legal separation, including but not limited to condonation, connivance, collusion, recrimination, insanity, and lapse of time, are abolished.

452.340. 1. In a proceeding for dissolution of marriage, legal separation or child support, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for [his] **the support of the child**, including an award retroactive to the date of filing the petition, without regard to marital misconduct, after considering all relevant factors including:

- (1) The financial needs and resources of the child;**

- (2) The financial resources and needs of the parents;
- (3) The standard of living the child would have enjoyed had the marriage not been dissolved;
- (4) The physical and emotional condition of the child, and the child's educational needs, **including the amount of time the child spends with each parent and the reasonable expenses associated with the custody or visitation arrangements**; [and]
- (5) The child's physical and legal custody arrangements; **and**
- (6) The reasonable work-related child care expenses of each parent.

2. The obligation of the parent ordered to make support payments shall abate, in whole or in part, for such periods of time in excess of thirty consecutive days that the other parent has voluntarily relinquished physical custody of a child to the parent ordered to pay child support, notwithstanding any periods of visitation or temporary physical and legal or physical or legal custody pursuant to a judgment of dissolution or legal separation or any modification thereof. In a IV-D case, the division of child support enforcement may determine the amount of the abatement under this subsection for any child support order. In such cases, upon notification by the division, the circuit clerk shall record the amount of abatement on the child support trusteeship record established pursuant to this chapter and chapter 454, RSMo.

3. Unless the circumstances of the child manifestly dictate otherwise and the court specifically so provides, the obligation of a parent to make child support payments shall terminate when the child:

- (1) Dies;
- (2) Marries;
- (3) Enters active duty in the military;
- (4) Becomes self-supporting, provided that the custodial parent has relinquished the child from parental control by express or implied consent; or
- (5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply.

4. If the child is physically or mentally incapacitated from supporting himself and insolvent and unmarried, the court may extend the parental support obligation past the child's eighteenth birthday.

5. If when a child reaches age eighteen, [he] **the child** is enrolled in and attending a secondary school program of instruction, the parental support obligation shall continue, if the child continues to attend **and** progresses toward completion of said program, until the child completes such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an institution of vocational or higher education not later than October first following graduation from a secondary school or completion of a graduation equivalence degree **program** and so long as the child enrolls for and completes at least twelve hours of credit each [term] **semester, not including the summer semester**, at an institution of vocational or higher education and achieves grades sufficient to re-enroll at such institution, the parental support obligation shall continue until the child completes his **or her** education, or until the child reaches the age of twenty-two, whichever first occurs. To remain eligible for such continued parental support, **at the beginning of each semester** the child shall submit to each parent a transcript **or similar official document** provided by the institution of vocational or higher education which includes the courses the child is enrolled in and has completed for each term, the grades and credits received for each such course, and the courses which the child is enrolled in for the upcoming term and the number of credits for each such course. If the circumstances of the child manifestly dictate, the court may waive the October first deadline for enrollment required by this subsection. If the child is enrolled in such an institution, the child or obligated parent may petition the court to amend the order to direct the obligated parent to make the payments directly to the child. As used in this section, an "institution of vocational education" means any postsecondary training or schooling for which the student is assessed a fee and attends classes regularly. "Higher education" means any junior college, college, or university at which the child attends classes regularly. **A child who has been diagnosed with**

a learning disability, or whose physical disability or diagnosed health problem limits the child's ability to carry the number of credit hours prescribed in this subsection, shall remain eligible for child support so long as such child is enrolled in and attending an institution of vocational or higher education, and the child continues to meet the other requirements of this subsection. A child who is employed at least fifteen hours per week during the semester may take as few as nine credit hours per semester and remain eligible for child support so long as all other requirements of this subsection are complied with.

6. [At the parent's option, a parent may pay one-half of the college room, board, tuition, mandatory fees and book expenses of the child as a credit reduction in the amount of child support during the months when a child attends school, if such child is enrolled as a full-time student and living away from the family residence for a majority of the school year, unless provisions for payment of college expenses are specified in the parenting plan or court order; except that, if such payment of college expenses is less than the court-ordered child support, the parent shall pay the difference between such college expenses and the court-ordered payment as provided in the court order.] **The court shall consider ordering a parent to waive the right to claim the tax dependency exemption for a child enrolled in an institution of vocational or higher education in favor of the other parent if the application of state and federal tax laws and eligibility for financial aid will make an award of the exemption to the other parent appropriate.**

7. The general assembly finds and declares that it is the public policy of this state [to assure that the best interest of the child is] **that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child** except for cases where the court specifically finds that such contact is not in the best interest of the child. In order to effectuate this public policy, a court with jurisdiction shall enforce visitation, custody and child support orders in the same manner. A court with jurisdiction may abate, in whole or in part, any **past or** future obligation of support and may transfer the physical and legal or physical or legal custody of one or more children if it finds that a parent has, without good cause, failed to provide visitation or physical and legal or physical or legal custody to the other parent pursuant to the terms of a judgment of dissolution, legal separation or modifications thereof. The court [may] **shall** also award, **if requested and for good cause shown**, reasonable expenses, attorney's fees and court costs incurred by the prevailing party.

8. Not later than October 13, 1989, the Missouri supreme court shall have in effect a rule establishing guidelines by which any award of child support shall be made in any judicial or administrative proceeding. Said guidelines shall contain specific, descriptive and numeric criteria which will result in a computation of the support obligation. By July 1, 1996, the guidelines shall address how the amount of child support shall be calculated when an award of joint physical custody results in the child or children spending substantially equal time with both parents. Not later than July 1, 1998, the child support guidelines shall be published by the supreme court and specifically list and explain the relevant factors and assumptions that were used to calculate the child support guidelines. Any rule made pursuant to this subsection shall be reviewed by the promulgating body not less than once every three years to ensure that its application results in the determination of appropriate child support award amounts.

9. [Beginning October 13, 1989,] There shall be a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the guidelines established pursuant to subsection 8 of this section is the correct amount of child support to be awarded. A written finding or specific finding on the record in a judicial or administrative proceeding that the application of the guidelines would be unjust or inappropriate in a particular case, after considering all relevant factors, including the factors set out in subsection 1 of this section, is required if requested by a party and shall be sufficient to rebut the presumption in the case. The written finding or specific finding on the record shall detail the specific relevant factors that required a deviation from the application of the guidelines.

10. Under this or any other chapter, when a court determines the amount owed by a parent for support provided to [his] a child by another person prior to the date of filing of a petition requesting support, or when the director of the division of child support enforcement establishes the amount of state debt due under subdivision (2) of subsection 1 of section 454.465, RSMo, the court or director shall use the guidelines established under subsection 8 of this section. The amount of child support resulting from the application of the guidelines shall be applied retroactively for a period prior to the establishment of a support order and the length of the period of retroactivity shall be left to the discretion of the court or director. There shall be a rebuttable presumption that the amount resulting from application of the guidelines under

subsection 8 of this section constitutes the amount owed by the parent for the period prior to the date of the filing of the petition for support or the period for which state debt is being established. In applying the guidelines to determine a retroactive support amount, when information as to average monthly income is available, the court or director may use the average monthly income of the noncustodial parent, as averaged over the period of retroactivity, in determining the amount of presumed child support owed for the period of retroactivity. The court or director may enter a different amount in a particular case upon finding, after consideration of all relevant factors, including the factors set out in subsection 1 of this section, that there is sufficient cause to rebut the presumed amount.

452.355. 1. **Unless otherwise indicated**, the court from time to time after considering all relevant factors including the financial resources of both parties, **the merits of the case and the actions of the parties during the pendency of the action**, may order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding under sections 452.300 to 452.415 and for attorney's fees, including sums for legal services rendered and costs incurred prior to the commencement of the proceeding or after entry of judgment. The court may order that the amount be paid directly to the attorney, who may enforce the order in his name.

2. In any proceeding in which the nonpayment of child support is an issue under the provisions of a temporary or permanent court order or decree, if the court finds that the obligor has failed[, without good cause,] to comply with such order or decree to pay the child support, the court shall order the obligor to pay a reasonable amount for the cost of the suit to the obligee, including sums for legal services. The court may order **for good cause shown** that the amount be paid directly to the attorney, who may enforce the order in his name.

3. For purposes of this section, an "obligor" is a person owing a duty of support and an "obligee" is a person to whom a duty of support is owed.

4. For purposes of this section, "good cause" includes any substantial reason why the defendant is unable to pay the child support as ordered. Good cause does not exist if the defendant purposely maintains his inability to pay.

452.373. 1. In cases involving custody or visitation issues, the court may, except for good cause shown or as provided in subsection 2 of this section, order the parties to the action to participate in an alternate dispute resolution program pursuant to supreme court rule to resolve any issues in dispute or may set a hearing in the matter. As used in this section, "good cause" includes, but is not limited to, noncontested custody or visitation cases, or a prior finding of domestic violence as determined by a court with jurisdiction after all parties have received notice and an opportunity to be heard, but does not mean the absence of qualified mediators.

2. Any alternate dispute resolution program ordered by the court pursuant to subsection 1 of this section shall:

(1) Be paid for by the parties in a proportion to be determined by the court, the cost of which shall be reasonable and customary for the circuit in which the program is ordered;

(2) Not be binding on the parties;

(3) Not be ordered or used for contempt proceedings, for enforcement of existing custody or visitation orders which are unambiguous or which designate specific times or specific periods, or for a motion for a family access order pursuant to section 452.400; and

(4) Not be ordered or utilized for child support issues.

3. Within sixty days after the effective date of this section, the Missouri supreme court shall publish a rule allowing, but not requiring, each circuit to establish an alternate dispute resolution program for contested custody and visitation proceedings within six months of the adoption of the supreme court rule.

452.375. 1. As used in this [section] **chapter**, unless the context clearly indicates otherwise:

(1) "Custody", depending on the context, means joint legal custody, legal custody, joint physical custody or physical custody or any combination thereof;

[(1)] **(2)** "Joint legal custody" means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned, or decreed, the parents shall confer with one another in the exercise of decision-making rights, responsibilities, and authority;

[(2)] **(3)** "Joint physical custody" means an order awarding each of the parents significant, **but not necessarily equal**, periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent [and], continuing **and meaningful** contact with both parents.

2. The court shall determine custody in accordance with the best interests of the child. The court shall consider all relevant factors including:

(1) The wishes of the child's parents as to [his] custody[;

(2) The wishes of a child as to his custodian] **and the proposed parenting plans submitted by both parties;**

[(3)] **(2)** The interaction and interrelationship of the child with [his] parents, [his] siblings, and any other person who may significantly affect the child's best interests;

[(4)] **(3)** The child's adjustment to [his] **the child's** home, school, and community;

[(5)] **(4)** The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the court finds that a pattern of domestic violence has occurred, and, if the court also finds that awarding custody to the abusive parent is in the best interest of the child, then the court shall enter written findings of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence from any further harm;

[(6)] **(5)** The needs of the child for a continuing relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;

[(7)] **(6)** The intention of either parent to relocate [his] **the principal residence of the child** [outside the state]; [and]

[(8)] **(7)** Which parent is more likely to allow the child frequent, **continuing** and meaningful contact with the other parent; **and**

(8) The wishes of a child as to the child's custodian.

3. The court shall not award custody of a child to a parent if such parent has been found guilty of, or pled guilty to, a felony violation of chapter 566, RSMo, when the child was the victim, or a violation of section 568.020, RSMo, when the child was the victim.

4. The general assembly finds and declares that it is the public policy of this state [to assure children] **that** frequent, **continuing** and meaningful contact with both parents after the parents have separated or dissolved their marriage **is in the best interest of the child, except for cases where the court specifically finds that such contact is not in the best interest of the child**, and that it is in the public interest to encourage parents to share decision-making rights and responsibilities of child rearing. In order to effectuate this policy, the court shall determine the custody arrangement which will best assure that parents share such decision-making responsibility and authority and such frequent, **continuing** and meaningful contact between the child and each parent, as is indicated in the best interests of the child under all relevant circumstances.

5. Prior to awarding the appropriate custody arrangement in the best interest of the child, the court shall consider [each of the following as follows] **custody awards in the order of preference listed in subdivisions (1) to (5) of this subsection, except where there are no custody issues in dispute. The burden of coming forward with evidence that a particular custodial arrangement is not in the best interest of the child shall be upon the parent opposing such an award. In the event the court finds that a preferred custodial arrangement is not in the child's best**

interest and upon the request of a party, the court shall enter a written finding detailing the specific relevant factors that made such an arrangement not in the child's best interest and shall specify the custodial arrangement which the court finds is in the child's best interest. The order of preference shall be:

- (1) **Joint physical and joint legal custody** to both parents, which shall not be denied solely for the reason that one parent opposes a joint **physical and joint legal custody** award. **The residence of one of the parents shall be designated as the mailing address of the child;**
- (2) **Joint physical custody with one party granted sole legal custody. The residence of one of the parents shall be designated as the mailing address of the child;**
- (3) **Joint legal custody with one party granted sole physical custody;**
- (4) Sole custody to either parent; or

[(3)] **(5) Third party custody or visitation:**

- (a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian, or the welfare of the child requires, and it is in the best interests of the child, then custody, temporary custody or visitation may be awarded to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards custody, temporary custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;
- (b) Under the provisions of this subsection, any person may petition the court to intervene as a party in interest at any time as provided by supreme court rule.

6. Unless otherwise decreed, parents are obligated to exchange information with one another concerning the health, education and welfare of the child. In a decree of sole **legal custody**, [a court may provide that parents] **unless the court specifically declares otherwise, the legal custodian** shall [confer with one another in the exercise of decision-making rights, responsibilities and authority] **discuss with the other parent any significant decision affecting the health, education or welfare of the child.** Upon a finding by the court that either parent has refused to exchange information with one another, which shall include but not be limited to the health, education and welfare of the child, the court shall order the parent to comply immediately and to pay the prevailing party a sum equal to the prevailing party's cost associated with obtaining the requested information, which shall include but not be limited to attorney's fees and court costs.

7. As between the parents of a child, no preference may be given to either parent in the awarding of custody because of that parent's age, sex, or financial status, nor because of the age or sex of the child.

8. Any decree providing for joint custody shall include a specific written plan setting forth the terms of such custody. Such plan may be suggested by both parents acting in concert, or one parent acting individually, or if neither of the foregoing occurs, the plan shall be provided by the court. The plan may include a provision for mediation of disputes. In all cases, the joint custody plan approved and ordered by the court shall be in the court's discretion **and shall be in the best interest of the child.**

9. Unless [a noncustodial] a parent has been denied **custody rights under section 452.375 or** visitation rights under section 452.400, **any judgment or decree of dissolution or other applicable court order shall, after August 28, 1998, specifically allow both parents** access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records[, shall not be denied to a parent because the parent is not the child's custodial parent]. If [a noncustodial] **the parent without custody** has been granted restricted or supervised visitation because the court has found that the [custodial] parent **with custody** or the child has been the victim of domestic violence, as defined in section 455.200, RSMo, by the [noncustodial] parent **without custody**, the court may order that the reports and records made available pursuant to this subsection not include the address of the [custodial] parent **with custody** or the child.

10. If any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either [the custodial or noncustodial] parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.

11. An award of joint custody does not preclude an award of child support pursuant to section 452.340 **and applicable supreme court rules**. The court shall consider the factors contained in section 452.340 **and applicable supreme court rules** in determining an amount reasonable or necessary for the support of the child.

12. If the court finds that domestic violence has occurred, the court shall make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence from any further harm.

452.377. 1. For purposes of this section and section 452.375, "relocate" or "relocation" means a change in the principal residence of a child for a period of ninety days or more, but does not include a temporary absence from the principal residence.

2. The residence of the child or any party entitled to custody or visitation of the child shall not be changed without first providing written notice by certified mail, return receipt requested, to any party with custody or visitation rights. Absent exigent circumstances as determined by a court with jurisdiction, written notice shall be provided at least sixty days in advance of the proposed relocation. The notice of the proposed relocation shall include the following information:

- (1) The intended new residence, including the specific address and mailing address, if known, and if not known, the city;**
- (2) The home telephone number of the new residence, if known;**
- (3) The date of the intended move or proposed relocation;**
- (4) A brief statement of the specific reasons for the proposed relocation of a child, if applicable; and**
- (5) A proposal for a revised schedule of custody or visitation with the child, if applicable.**

3. A [person] party entitled to the custody of a child shall not [change] relocate the principal residence of the child to another state, or remove the child from this state for a period of time exceeding ninety days, or relocate the principal residence of the child more than fifty miles from the current principal residence of the child except upon order of the court or with the written consent of the parties with custody or visitation rights. Where [the noncustodial person] a party has been given custody or visitation rights by the custody decree, such court permission may be granted only after notice to the [person] party having custody or visitation rights and after opportunity for hearing.

4. A party required to give notice of a proposed relocation pursuant to subsection 2 of this section has a continuing duty to provide a change in or addition to the information required by this section as soon as such information becomes known.

5. In exceptional circumstances where the court makes a finding that the health or safety of any adult or child would be unreasonably placed at risk by the disclosure of the required identifying information concerning a proposed relocation of the child, the court may order that:

- (1) The specific residence address and telephone number of the child, parent or person, and other identifying information shall not be disclosed in the pleadings, notice, other documents filed in the proceeding or the final order except for an in camera disclosure;**

(2) The notice requirements provided by this section shall be waived to the extent necessary to protect the health or safety of a child or any adult; or

(3) Any other remedial action the court considers necessary to facilitate the legitimate needs of the parties and the best interest of the child.

6. The court shall consider a failure to provide notice of a proposed relocation of a child as:

(1) A factor in determining whether custody and visitation should be modified;

(2) A basis for ordering the return of the child if the relocation occurs without notice; and

(3) Sufficient cause to order the party seeking to relocate the child to pay reasonable expenses and attorneys fees incurred by the party objecting to the relocation.

7. If the parties agree to a revised schedule of custody or visitation, they may submit the terms of such agreement to the court with a written affidavit signed by the parties assenting to the terms of the agreement and the court may order the revised schedule without a hearing.

8. The party seeking to relocate shall have the burden of proving that the proposed relocation is made in good faith and is in the best interest of the child.

9. If relocation is permitted:

(1) The court shall order contact with the nonrelocating party including custody or visitation and telephone access sufficient to assure that the child has frequent, continuing and meaningful contact with the nonrelocating party unless the child's best interest warrant otherwise; and

(2) The court shall specify how the transportation costs will be allocated between the parties and adjust the child support, as appropriate, considering the costs of transportation.

10. After August 28, 1998, every court order establishing or modifying custody or visitation shall include the following language: "Absent exigent circumstances as determined by a court with jurisdiction, you, as a party to this action, are ordered to notify, in writing by certified mail, return receipt requested, and at least sixty days prior to the proposed relocation, each party to this action of any proposed relocation of the principal residence of the child, including the following information:

(1) The intended new residence, including the specific address and mailing address, if known, and if not known, the city;

(2) The home telephone number of the new residence, if known;

(3) The date of the intended move or proposed relocation;

(4) A brief statement of the specific reasons for the proposed relocation of the child; and

(5) A proposal for a revised schedule of custody or visitation with the child.

Your obligation to provide this information to each party continues as long as you or any other party by virtue of this order is entitled to custody of a child covered by this order. Your failure to obey the order of this court regarding the proposed relocation may result in further litigation to enforce such order, including contempt of court. In addition, your failure to notify a party of a relocation of the child may be considered in a proceeding to modify custody or visitation with the child. Reasonable costs and attorney fees shall be assessed against you if you fail to give the required notice."

11. Violation of the provisions of this section or a court order under this section may be deemed a change of circumstance under section 452.410, allowing the court to modify the prior custody decree. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

12. Any party who objects in good faith to the relocation of a child's principle residence shall not be ordered to pay the costs and attorney's fees of the party seeking to relocate.

452.400. 1. A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical health or impair his emotional development. [The court shall define the noncustodial parent's visitation periods in detail at the request of either party.] **The court shall enter an order specifically detailing the visitation rights of the parent without physical custody rights.** In determining the granting of visitation rights, the court shall consider evidence of domestic violence. If the court finds that domestic violence has occurred, the court may find that granting visitation to the abusive party is in the best interests of the child. The court shall not grant visitation to the parent not granted custody if such parent has been found guilty of or pled guilty to a felony violation of chapter 566, RSMo, when the child was the victim, or a violation of section 568.020, RSMo, when the child was the victim **or an offense committed in another state, when the child is the victim, that would be a felony violation of chapter 566, RSMo, or section 568.020, RSMo, if committed in Missouri.** The court shall consider the parent's history of inflicting, or tendency to inflict, physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on other persons and shall grant visitation in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence from any further harm. The court, **if requested by a party**, shall make specific findings of fact to show that the visitation arrangements made by the court best protects the child or the parent or other family or household member who is the victim of domestic violence from any further harm.

2. The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical health or impair his emotional development. When a court restricts a parent's visitation rights or when a court orders supervised visitation because of allegations of abuse or domestic violence, a showing of proof of treatment and rehabilitation shall be made to the court before unsupervised visitation may be ordered. "Supervised visitation", as used in this section, is visitation which takes place in the presence of a responsible adult appointed by the court for the protection of the child.

3. The court shall mandate compliance with its order by both [the custodial parent] **parents** and the child. [In the event of noncompliance,] **If a parent has been granted specific or unambiguous visitation or custody rights, and such specific or unambiguous rights are denied or interfered with by the other parent, without good cause, the [noncustodial] parent having specific or unambiguous visitation or custody rights may file a motion for contempt[.] or a motion for a family access order.**

4. By January 1, 1999, the state courts administrator shall develop a simplified form and instructions for use by persons filing pro se motions for family access orders pursuant to this section. The cost of filing the motion shall be the standard court costs plus a fee not to exceed twenty-five dollars. Motions for family access orders pursuant to this section shall be summarily heard, except as otherwise provided by this section, in the manner provided by sections 517.021 to 517.151, RSMo, by judges of the circuit court or by any commissioner of the circuit court authorized to hear such motions for family access orders. No continuance of a hearing relating to such a motion for a family access order shall be granted by the court except for extraordinary cause. Final disposition of the motion shall take place not more than forty-five days after service of such motion, except for good cause shown as determined by the court or by waiver of the parties. Final disposition shall not include appellate review.

5. Upon a finding by the court that its order for visitation or custody has not been complied with, without good cause, the court shall [define the noncustodial parent's visitation in detail and shall exercise its discretion in providing] provide a remedy, which shall include, but not be limited to, a compensatory period of visitation or [temporary] custody at a time convenient for the [noncustodial] parent denied visitation or custody not less than the period of time denied, [together with] and, if requested by a party and for good cause shown, a mandatory judgment in an amount not less than the reasonable expenses and court costs actually incurred by the [noncustodial] parent as a result of the denial of

visitation or custody. Such order may include a provision that the sheriff or other law enforcement officer shall enforce the rights of either parent to custody or visitation, as the case may be, unless the court issues a subsequent order pursuant to chapters 210 or 211, RSMo, to limit or deny either parent's access to the child.

[4.] **6.** The reasonable expenses, attorney's fees and court costs actually incurred as a result of a proceeding to enforce visitation or custody rights shall, if requested by a party and for good cause shown, be assessed against the parent who [unreasonably], without good cause, denies or interferes with visitation or custody. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

7. The intentional denial or interference with visitation or custody of a child from the other parent, without good cause, shall constitute a change of circumstances which may justify a modification of custody.

8. For purposes of supreme court rule 51, motions filed pursuant to this section shall not be deemed to be an independent civil action if the judge or commissioner designated to rule on the motion is the same judge or commissioner that entered the order which is the subject of a motion for a family access order or contempt.

452.405. 1. Except as otherwise ordered by the court or agreed by the parties in writing at the time of the custody decree, the legal custodian may determine the child's upbringing, including his education, health care, and religious training, unless the court after hearing[,] finds, upon motion by the [noncustodial] parent without legal custody, that in the absence of a specific limitation of the legal custodian's authority the child's physical health would be endangered or his emotional development impaired.

2. The legal custodian shall not exercise legal custody in such a way as to significantly and detrimentally impact the other parent's visitation or custody rights.

[2.] **3.** The court may order the county welfare office or the county juvenile officer to exercise continuing supervision over the case.

452.411. If either parent of a child changes his residence to another state, such change of residence of the parent shall be deemed a change of circumstances under section 452.410, allowing the court to modify a prior visitation or custody decree.

452.416. 1. Notwithstanding any other provision of law to the contrary, whenever a parent in emergency military service has a change in income due to such military service, such change in income shall be considered a change in circumstances so substantial and continuing as to make the terms of any order or judgment for child support or visitation unreasonable.

2. Upon receipt of a notarized letter from the commanding officer of a noncustodial parent in emergency military service which contains the date of the commencement of emergency military service and the compensation of the parent in emergency military service, the director of the division of child support enforcement shall take appropriate action to seek modification of the order or judgment of child support in accordance with the guidelines and criteria set forth in **section 452.340 and applicable** supreme court [rule 88.01] rules. Such notification to the director shall constitute an application for services under section 454.425, RSMo.

3. Upon return from emergency military service the parent shall notify the director of the division of child support enforcement who shall take appropriate action to seek modification of the order or judgment of child support in accordance with the guidelines and criteria set forth in **section 452.340 and applicable** supreme court [rule 88.01] rules. Such notification to the director shall constitute an application for services under section 454.425, RSMo.

4. As used in this section, the term "emergency military service" means that the parent is a member of a reserve unit or national guard unit which is called into active military duty for a period of more than thirty days.

452.423. 1. In all proceedings for child custody or for dissolution of marriage or legal separation where custody, visitation, or support of a child is a contested issue, the court may appoint a guardian ad litem. The court shall appoint a guardian ad litem in any proceeding in which child abuse or neglect is alleged. **Disqualification of a guardian ad litem**

shall be ordered upon the filing of a written application by any party within ten days of appointment, or at least ten days before trial if the appointment occurs prior to the effective date of this act. Each party shall be entitled to one disqualification of a guardian ad litem in each proceeding, except a party may be entitled to more than one disqualification of a guardian ad litem for good cause shown.

2. The guardian ad litem shall:

- (1) Be the legal representative of the child at the hearing, and may examine, cross-examine, subpoena witnesses and offer testimony;
- (2) Prior to the hearing, conduct all necessary interviews with persons having contact with or knowledge of the child in order to ascertain the child's wishes, feelings, attachments and attitudes. If appropriate, the child should be interviewed;
- (3) Request the juvenile officer to cause a petition to be filed in the juvenile division of the circuit court if the guardian ad litem believes the child alleged to be abused or neglected is in danger.

3. The appointing judge shall require the guardian ad litem to faithfully discharge such guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and appoint another. The judge in making appointments pursuant to this section shall give preference to persons who served as guardian ad litem for the child in the earlier proceeding, unless there is a reason on the record for not giving such preference.

4. The guardian ad litem shall be awarded a reasonable fee for such services to be set by the court. The court, in its discretion, may award such fees as a judgment to be paid by any party to the proceedings or from public funds. Such an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final judgment shall be enforceable against the parties in accordance with chapter 513, RSMo.

5. The court may designate volunteer advocates, who may or may not be attorneys licensed to practice law, to assist in the performance of the guardian ad litem duties for the court. The volunteer advocate shall be provided with all reports relevant to the case made to or by any agency or person and shall have access to all records of such agencies or persons relating to the child or such child's family members. Any such designated person shall receive no compensation from public funds. This shall not preclude reimbursement for reasonable expenses.

452.490. 1. The court may order any party to the proceeding who is in this state to appear personally before the court. If the court finds the physical presence of the child in court to be in the best interests of the child, the court may order that the party who has physical custody of the child appear personally with the child.

2. If a party to the proceeding whose presence is desired by the court is outside this state, with or without the child, the court may order that the notice given under section 452.460 include a statement directing that party to appear personally with or without the child.

3. If a party to the proceeding who is outside this state is directed to appear under subsection [2] **1** of this section or desires to appear personally before the court with or without the child, the court may require another party to pay to the clerk of the court travel and other necessary expenses of the party so appearing and of the child, if this is just and proper under the circumstances.

4. If the court finds it to be in the best interest of the child that a guardian ad litem be appointed, the court may appoint a guardian ad litem for the child. The guardian ad litem so appointed shall be an attorney licensed to practice law in the state of Missouri. **Disqualification of a guardian ad litem shall be ordered upon the filing of a written application by any party within ten days of appointment, or at least ten days before trial if the appointment occurs prior to the effective date of this act. Each party shall be entitled to one disqualification of a guardian ad litem in each proceeding, except a party may be entitled to more than one disqualification of a guardian ad litem for good cause shown.** The guardian ad litem may, for the purpose of determining custody of the child only, participate in the proceedings as if such guardian ad litem were a party. The court shall enter judgment allowing a reasonable fee to the guardian ad litem.

452.600. The circuit courts [of the fifth, sixth, twenty-third, twenty-ninth, thirtieth, thirty-first and thirty-eighth judicial circuits], by local rule, may establish a program of educational sessions for parties to actions for dissolution of marriage or in postjudgment proceedings involving custody or support, concerning the effects of dissolution of marriage on minor children of the marriage. In lieu of establishing such a program, the circuit court may, by local rule, designate a similar program of educational sessions offered by a private or public entity.

452.605. In an action for dissolution of marriage involving minor children, or in a postjudgment proceeding wherein custody [or support] of minor children is to be determined by the court, the court may [on its own motion], **except for good cause**, order the parties, including the minor children, to attend educational sessions concerning the effects of **custody and the** dissolution of marriage on children[, if the court finds that doing so would be in the best interests of the minor children]. **As used in this section "good cause" includes, but is not limited to, situations where the parties have stipulated to the custody and visitation of the child, or a finding by a court with jurisdiction after all parties have received notice and an opportunity to be heard that the safety of a party or child may be endangered by attending the educational sessions."**; and

Further amend said bill, Page 39, Section 454.999, Line 2 of said page, by inserting immediately after all of said line the following:

"454.1031. All penalties that apply to an obligor in sections 454.1000 to 454.1029 shall also apply to any person who has, without good cause as determined by a court with jurisdiction, denied or interfered with any order for visitation or custody for two or more consecutive periods. Any such penalties shall be imposed by a court with jurisdiction, and may be modified or vacated by the court for good cause shown, and the division shall have no jurisdiction over such matters."; and

Further amend said bill, Page 39, Section 476.688, Line 11 of said page, by inserting immediately after all of said line the following:

"537.044. The torts of alienation of affection and conspiracy to alienate affection are hereby abolished in this state.

Section 1. The family access fee of up to twenty-five dollars established in section 452.400, RSMo, shall be charged and collected by every clerk of the court in this state. The court may waive such fee, in whole or in part, upon motion of the party and for good cause shown. Such fee shall be deposited in the "Family Access Fund" which shall be established in each county for the purpose of defraying the costs associated with family access motions filed pursuant to section 452.400, RSMo. Any circuit which does not have a family court shall establish a "Family Access Fund" within their circuit to aid in the payment of services offered by that circuit's courts pursuant to section 452.400, RSMo.

Section 2. No garnishment, withholding, or other financial legal proceeding shall be levied or maintained against a party whose child support obligation has been fulfilled or brought to term by such responsible party unless entered into voluntarily by such party or by court order. The burden of proving non-compliance of such party shall rest with the division of child support enforcement, and shall verify such non-compliance upon request."; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted.

Senator Klarich offered SA 1 to SA 2, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 910, Pages 43-44, Section 2, by deleting all of said section and inserting in

lieu thereof the following:

"Section 2. No garnishment, withholding, or other financial legal proceeding under chapter 454, RSMo, to enforce a support order as defined in section 454.455, RSMo, shall be levied or maintained by the division of child support enforcement against a party who alleges that no current or unpaid child support is due if after review of the allegations and evidence the division determines that no current or unpaid child support is due. The enforcement action may continue pending review by the division, and the division may only levy an enforcement action if current or unpaid support should later become due and owing. The division shall advise a party to a support obligation being enforced by the division of the amount currently due under the support order and how that amount was calculated upon request."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SS** for **SB 910**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SS** for **SB 910**, as amended, was declared perfected and ordered printed.

Senator DePasco moved that **SB 709** be taken up for perfection, which motion prevailed.

Senator DePasco moved that **SB 709** be declared perfected and ordered printed, which motion prevailed on a standing division vote.

Senator House moved that **SB 745**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 745, Page 4, Section 160.545, Line 91, by inserting immediately after all of said line the following:

"160.546. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."; and

Further amend said bill, Page 4, Section 161.097, Line 22, by inserting immediately after all of said line the following:

"161.098. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the

requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."; and

Further amend said bill, Page 7, Section 173.005, Line 120, by inserting immediately after all of said line the following:

"173.006. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

On motion of Senator House, **SB 745**, as amended, was declared perfected and ordered printed.

President Pro Tem McKenna assumed the Chair.

Senator Schneider moved that **SB 471**, with **SCS** and **SS** for **SCS**, as amended, (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 471**, as amended, was again taken up.

Senator Westfall offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 471, Page 5, Section 105.510, Line 18, by striking all of lines 18, 19 and 20; and further amend said bill, line 21, by striking "(8)" and inserting in lieu thereof the following "(7)".

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 471, Page 14, Section 2, Line 7, by inserting at the end of said line the following: **"The costs of such mediation services shall be borne by appropriation**

of funds by the general assembly."

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 471, Page 2, Section 105.510, Lines 23-25, by removing the brackets on said lines.

Senator Howard moved that the above amendment be adopted, which motion failed.

Senator Kinder offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 471, Page 14, Section 2, Line 7, by inserting immediately after said line the following:

"Section 3. 1. No labor organization shall use any portion of dues, agency shop fees, or any other fees paid by members of the labor organization, or individuals who are not members, to make contributions or expenditures except upon the written authorization of the member, or individual who is not a member, received within the previous twelve months on a form as provided in subsection 2 of this section.

2. The authorization referred to in subsection 1 shall be provided on a form, the sole purpose of which is for the documentation of such an authorization. The form shall be prescribed by the commission and at a minimum shall contain the name of the individual granting the authorization, the labor organization to which the authorization is granted, the total annual amount of the dues, agency shop fees, or any other fees which will be used to make contributions or expenditures and the signature of the individual granting the authorization. The form's title shall read, in at least twenty-four point bold type, "Authorization for Political Use of Fees" and shall also state, in at least 14 point bold type, the following words immediately above the signature line:

"Signing this form authorizes a portion of your dues, agency shop fees, or other fees to be used for making political contributions or expenditures. You are not obligated to sign this authorization. Your signature below is completely voluntary and cannot in any way affect your employment."

3. Any labor organization that uses any portion of dues, agency shop fees or other fees to make contributions or expenditures under subsection 1 of this section shall maintain records that shall include a copy of each authorization obtained under subsection 2 of this section, the amounts and dates funds were actually withheld, the amounts and dates funds were transferred to a committee and the committee to which the funds were transferred.

4. Copies of all records maintained under subsection 3 of this section shall be sent to the ethics commission, established pursuant to the provisions of section 105.955, RSMo.

5. Individuals who do not authorize contributions or expenditures under subsection 1 of this section shall not have their dues, agency shop fees or other fees raised in lieu of the contribution of expenditure.

6. If the dues, agency shop fees or other fees referred to in subsections 1 and 3 of this section included an amount for a contribution or expenditure the dues, agency shop fees or other fees shall be reduced by that amount for any individual who does not sign an authorization as described under subsection 1 of this section.

7. The requirements of this section may not be waived by the member or individual and waiver of the requirements shall not be made a condition of employment or continued employment.

8. For the purposes of this section "agency shop" means an arrangement that requires an employee, as a condition of continued employment, either to join the recognized employee organization, or to pay the organization a service fee.

9. For the purposes of this section "labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

10. The provisions of this section shall be subject to the provisions of sections 130.072 and 130.081.

Section 4. 1. No employer or other person responsible for the disbursement of funds in payment of wages shall deduct any funds from an employee's wages that the employer knows or has reason to know will be used in whole or in part as a contribution or expenditure except upon the written request of the employee and received within the previous twelve months on a form as described by subsection 2 of this section.

2. The request referred to in subsection 1 of this section shall be made on a form, the sole purpose of which is for the documentation of such a request. The form shall be prescribed by the Missouri ethics commission, established pursuant to the provisions of section 105.955, RSMo, and at a minimum shall contain the name of the employee, the name of the employer, the total annual amount which is being withheld for a contribution or expenditure and the employee's signature. The form's title shall read, in at least twenty-four point bold type, "Request for Political Payroll Deductions" and shall also state, in at least fourteen point bold type, the following words immediately above the signature line:

"Signing this form authorizes your employer to make a deduction from your paycheck that is intended to be used as a political contribution or expenditure. You are not obligated to authorize this deduction. Your signature below is completely voluntary and cannot in any way affect your employment."

3. Each employer or other person who makes deductions under subsection 1 shall maintain records that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, the amounts and dates funds were transferred to a committee and the committee to which the funds were transferred.

4. Copies of all records maintained under subdivision 3 shall be sent to the ethics commission, established pursuant to the provisions of section 105.955, RSMo.

5. The requirements of this section may not be waived by an employee and waiver of these requirements shall not be made a condition of employment or continued employment.

6. For the purposes of this section, "employer" has the same meaning as defined in section 288.032.

7. For the purposes of this section, "employee" means any person in the employment, as defined in section 288.034, of an employer.

8. For the purposes of this section "wages" has the same meaning as defined in section 288.036."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Russell, Singleton and Westfall.

Senator Mathewson raised the point of order that **SA 8** is out of order in that the amendment goes beyond the intent and scope of the bill.

Senator Quick assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Schneider raised the point of order that **SA 8** is out of order as it goes beyond the subject matter of the bill.

Senator Johnson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

President Pro Tem McKenna assumed the Chair.

Senator Staples offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 471, Page 1, Section A, Line 4 of said page, by inserting immediately after all of said line the following:

"Section 1. As used in this act, the following terms mean:

(1) "Arbitration", the procedure whereby the parties involved in an impasse or grievance dispute submit their differences to a third party for a final and binding decision or as otherwise provided in this act;

(2) "Board", the state board of mediation established pursuant to chapter 295, RSMo;

(3) "Confidential state employee", any state employee who works in the personnel offices of the state and deals with information to be used by the state in collective bargaining; or any state employee who works in a close, continuing relationship with state employee officers or representatives directly participating in collective bargaining on behalf of the state;

(4) "Collective bargaining", to "bargain collectively", or to "negotiate", to perform the mutual obligation of the state, by its representatives, and the representatives of its state employees to negotiate in good faith at reasonable times and places with respect to wages, hours, and other terms and conditions of employment and the continuation, notification, or deletion of an existing provision of a collective bargaining agreement, with the intention of reaching an agreement, or to resolve questions arising under the agreement. This includes executing a written contract incorporating the terms of any agreement reached. The obligation to bargain collectively does not mean that either party is compelled to agree to a proposal nor does it require the making of a concession;

(5) "Exclusive bargaining representative", a state employee organization certified as the exclusive bargaining representative by the board pursuant to the provisions of this act or voluntarily recognized by the state upon proof that a majority of the state employees in an appropriate bargaining unit have authorized said state employee organization to represent them for purposes of bargaining under this act;

(6) "Impasse", the failure of the state and the exclusive bargaining representative to reach agreement in the course of negotiations;

(7) "Mediation", assistance by an impartial third party to reconcile an impasse between the state and the exclusive bargaining representative regarding wages, hours, and other terms and conditions of employment through interpretation, suggestion, and advice;

(8) "Professional state employee", any state employee engaged in work predominantly intellectual and varied in character rather than routine mental, manual, mechanical, or physical work; involving the consistent exercise of discretion and judgment in its performance; of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or any state employee who has completed the courses of specialized intellectual

instruction and study described above and is performing related work under the supervision of a professional person to qualify to become a professional state employee as defined above;

(9) "State employee", any individual employed by the state, except individuals exempted under the provisions of section 2 of this act;

(10) "State employee organization", an organization in which state employees participate and which exists for the purpose, in whole or in part, of dealing with states concerning grievances, labor disputes, wages, hours, and other terms and conditions of employment;

(11) "Strike", in concerted action with others, the state employee's refusal to report to duty, or willful absence from his or her position, or stoppage of work, or abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in the conditions, compensation, rights, privileges, or obligations of state employment;

(12) "Supervisor", a state employee who devotes a substantial amount of work time to supervisory duties, who customarily and regularly directs the work of two or more other state employees and who has the authority in the interest of the state to hire, promote or discipline other state employees or to recommend such actions effectively but does not include individuals who perform merely routine, incidental or clerical duties or who occasionally assume supervisory or directory roles or whose duties are substantially similar to those of their subordinates and does not include lead state employees, state employees who participate in peer review, state employee involvement programs or occasional state employee evaluation programs;

(13) "Temporary", foreseeable for a short period of time or for a fixed duration, rather than indefinite or indeterminate;

(14) "Appropriate unit", means a unit of state employees at any plant or installation or in a craft or in a function of the state which establishes a clear and identifiable community of interest among the state employees concerned.

Section 2. The following state employees shall be excluded from the provisions of this act:

(1) Elected officials and persons appointed to fill vacancies in elected offices, and members of any board or commission;

(2) Representatives of the state, including the administrative officer, director, or chief executive officer of the state, or major division thereof as well as his or her deputy, first assistant, and any non-bargaining unit supervisory state employees; provided, however, that nothing shall be construed to prohibit the state from bargaining with, and entering into a contract with a labor organization certified to represent a separate unit comprised solely of supervisors;

(3) Confidential state employees;

(4) Temporary state employees employed for a period of four months or less;

(5) State employees serving as commissioned and enlisted personnel of the Missouri national guard;

(6) Judges of the supreme court, judges of the court of appeals, circuit judges and associate circuit judges;

(7) Patients and inmates employed, sentenced or committed to any state or local institution;

(8) Missouri state highway patrol;

(9) State employees working directly for the general assembly of the state of Missouri;

(10) Any employees of a college or university.

Section 3. The state board of mediation shall administer the provisions of this act.

Section 4. Unless limited by the provisions of a collective bargaining agreement or by other statutory provisions, the state may:

- (1) Direct the work of, hire, promote, assign, transfer, demote, suspend, discharge or terminate state employees;**
- (2) Determine qualifications for employment and the nature and content of personnel examinations; and**
- (3) Take actions as may be necessary to carry out the mission of the state in emergencies.**

Section 5. State employees may:

- (1) Organize, or form, join, or assist any state employee organization;**
- (2) Negotiate collectively through representatives of their own choosing;**
- (3) Engage in other concerted activities for the purposes of collective bargaining or other mutual aid or protection insofar as any such activity is not prohibited by this act or any other law of the state; and**
- (4) Refuse to join or participate in the activities of state employee organizations, including the payment of any dues, fees or assessments or service fees of any type except to the extent that such right may be affected by agreements between the state and a state employee organization which is the exclusive bargaining representative requiring, as a condition of employment, the payment of a service fee in lieu of, and in an amount not greater than, dues which are payable by members of the labor organization to cover the cost of negotiation, contract administration and other activities of the labor organization which are germane to its functions as exclusive bargaining representative. The exclusive representative shall, as a condition of receiving such service fees, establish a procedure which provides the following protections to nonmembers of the exclusive representative who are required to pay such fees and object to paying all or a portion thereof:**
 - (a) Notice, in writing, of the fee which will be payable, which may be expressed in a dollar amount or a percentage of the dues payable by members, and the basis upon which the exclusive representative has determined such fee;**
 - (b) An opportunity to challenge such determination and receive a prompt decision from an impartial arbitrator, provided, however, that the selection of such arbitrator may not represent the unrestricted choice of the exclusive representative; and**
 - (c) Escrowing of any portion of the service fee paid by a challenging state employee which is reasonably in dispute pending the arbitrator's determination.**

Such agreement may require the payment of a service fee commencing thirty days after the beginning of employment or the effective date of such agreement, whichever is later.

Section 6. The state and a state employee organization which is the exclusive bargaining representative shall meet at reasonable times, including meetings reasonably in advance of the state's budget making process, to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment. The collective bargaining agreement negotiated between the state and the exclusive bargaining representative shall contain a grievance resolution procedure which shall apply to all state employees in the bargaining unit and shall provide for final and binding arbitration of disputes concerning the arbitration or interpretation of the agreement including questions of arbitrability. The collective bargaining agreement negotiated between the state and the exclusive bargaining representative may also include a provision for the checkoff of initiation fees and dues to such labor organization or the payment of a service fee in lieu thereof as authorized by section 5 of this act. The state shall negotiate only with the exclusive bargaining representative on matters contained in this act. Such

obligation to negotiate in good faith does not compel either party to agree to a proposal or make a concession.

Section 7. 1. It shall be a prohibited practice for any state or exclusive bargaining representative to refuse to negotiate in good faith with respect to the scope of negotiations as defined in section 6 of this act.

2. It shall be a prohibited practice for the state or its designated representative to:

- (1) Interfere with, restrain or coerce state employees in the exercise of rights granted by this act;**
- (2) Dominate or interfere in the administration of any state employee organization;**
- (3) Encourage or discourage membership in any state employee organization, committee, or association by discrimination in hiring, tenure, or other terms or conditions of employment, except that nothing in this act shall prohibit the discharge of any state employee for failure to comply with the terms of an agreement authorized by section 5 of this act;**
- (4) Discharge or discriminate against any state employee because he or she has filed an affidavit, petition, or complaint or given any information or testimony under this act, or because he or she has formed, joined, or chosen to be represented by any exclusive bargaining representative;**
- (5) Refuse to negotiate collectively with representatives of any state employee organization which is an exclusive bargaining representative as required in this act;**
- (6) Deny the rights accompanying certification or exclusive recognition granted in this act;**
- (7) Refuse to participate in good faith in any agreed upon impasse procedures or those set forth in this act; or**
- (8) Refuse to reduce a collective bargaining agreement to writing and sign such agreement.**

3. It shall be a prohibited practice for a state employee organization or its agents wilfully to:

- (1) Interfere with, restrain, or coerce any state employee with respect to any of the rights under this act or in order to prevent or discourage his or her exercise of any such right, including, without limitation, all rights under section 5 of this act;**
- (2) Interfere, restrain, or coerce the state employee with respect to rights granted in this act or with respect to selecting a representative for purposes of negotiating collectively on the adjustment of grievances;**
- (3) Refuse to bargain collectively with the state as required in this act;**
- (4) Refuse to participate in good faith in any agreed upon impasse procedures or those set forth in this act; or**
- (5) Violate the impasse provisions of this act, which hereby are made applicable to states, state employees and exclusive representatives.**

4. The expressing of any views, argument, or opinion or the dissemination thereof, whether in written, printed, graphic or visual form, shall not constitute or be evidence of any unfair labor practice under any provisions of this act if such expression contains no threat of reprisal or force or promise of benefit.

Section 8. Proceedings against a party alleging a violation of section 7 of this act shall be commenced and shall take place in accordance with procedures established pursuant to chapter 295, RSMo.

Section 9. 1. Nothing in this act shall be construed to annul or modify any collective bargaining agreement entered into between the state and exclusive representative prior to the effective date of this act.

2. The board determination of an appropriate bargaining unit shall be upon petition filed by a state employee

organization or upon its own initiative.

3. Within thirty days of receipt of a petition or notice to all interested parties if on its own initiative, the board shall conduct a public hearing, receive written or oral testimony, and promptly thereafter file an order defining the appropriate bargaining unit. The board determination of an appropriate unit shall not be subject to judicial review.

4. There may be statewide bargaining by a coalition of all exclusive representatives, irrespective of state bargaining unit, concerning wages, fringe benefits and those matters which have uniform applicability to all state employees. Nothing in this act shall be construed to prohibit supplementary bargaining on behalf of state employees in a bargaining unit or part of a bargaining unit concerning matters uniquely affecting those state employees, or coordinated or consolidated bargaining between two or more bargaining units concerning matters uniquely affecting those state employees.

Section 10. 1. Board certification of a state employee organization as the exclusive bargaining representative of a bargaining unit shall be upon a petition filed with the board by the state, state employee, or a state employee organization and an election pursuant to section 11 of this act.

2. The petition of a state employee organization shall allege that the state employee organization has submitted a request to the state to bargain collectively with a designated group of state employees. The petition will be accompanied by written evidence that thirty percent of such state employees are members of the state employee organization or have authorized it to represent them for the purposes of collective bargaining.

3. For the purpose of decertification, the petition of the state employee shall allege that a state employee organization which has been certified or recognized as the exclusive bargaining representative of an appropriate unit does not represent a majority of such state employees and that the petitioners do not want to be represented by a state employee organization or seek certification of a different state employee organization. Such petition shall be accompanied by written evidence that thirty percent of such state employees do not want to be represented by a state employee organization or seek certification of a different state employee organization.

4. The petition of the state shall allege that it has received a request to bargain from a state employee organization which has not been certified as the exclusive representative of the state employees in an appropriate bargaining unit.

5. The board shall investigate the allegations of any petition and shall give reasonable notice of the receipt of such petition to all state employees, state employee organizations, and states named or described in such petitions or interested in the representation question. The board shall call an election under section 11 of this act within thirty days of receipt of a petition unless it finds that less than thirty percent of the state employees in the unit appropriate for collective bargaining support the petition for decertification or for certification, or the appropriate bargaining unit has not been determined pursuant to section 9 of this act.

6. The hearing and appeal procedures shall be the same as provided for in section 8 of this act.

Section 11. 1. Whenever a petition is filed by a state employee or state employee organization continuing the signatures of at least thirty percent of the state employees in an appropriate bargaining unit, the board shall conduct a secret ballot representation election to determine whether the state employees in the appropriate bargaining unit wish to be represented by an exclusive bargaining representative. The ballot shall contain the names of the petitioning state employee organization, any state employee organization submitting within ten days of the initial petition a petition containing signatures of at least ten percent of the state employees within the appropriate bargaining unit, and any incumbent labor organization. The ballot shall also contain a choice of no representation.

2. If none of the choices on the ballot receives the vote of a majority of the state employees voting, the board shall, within thirty days, conduct a run-off election among the two choices receiving the greatest number of votes.

3. Upon written objections filed by any party to the election within ten days after notice of the results of the election, if the board finds that misconduct or other circumstances prevented the state employees eligible to vote from freely expressing their preferences, the board may invalidate the election and hold a second or subsequent election for the state employees.

4. Upon completion of a valid election in which the majority choice of the bargaining unit state employees voting is determined, the board shall certify the results of the election, and shall give reasonable notice of the order to all state employee organizations listed on the ballot, the states, and the state employees in the appropriate bargaining unit. A state employee organization which is the majority choice of the bargaining unit state employees voting in a valid election under this section shall be certified by the board as the exclusive bargaining representative for the bargaining unit state employees.

5. A petition for decertification or certification of an exclusive bargaining representative shall not be considered by the board for a period of one year from the date of the certification or noncertification of an exclusive bargaining representative or during the duration of a collective bargaining agreement not to exceed three years. A petition for decertification will not be considered during the duration of a collective bargaining agreement unless the collective bargaining agreement has been in effect for more than three years or the petition for decertification is filed not more than two hundred ten days and not less than one hundred eighty days prior to the expiration of the collective bargaining agreement.

Section 12. 1. The state employee organization certified as the bargaining representative or voluntarily recognized by the state upon proof that a majority of the state employees in an appropriate bargaining unit have authorized such state employee organization to represent them for purposes of collective bargaining under this act shall be the exclusive representative of all state employees in the bargaining unit and shall represent all state employees fairly, except that any individual state employee or a group of state employees shall have the right at any time to present grievances to their state and to have such grievances adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of a collective bargaining contract or agreement then in effect and the exclusive bargaining representative has been given the opportunity to be present at such adjustment.

2. The state employee organization which is an exclusive bargaining representative and the state may designate any individual or individuals as its representatives to engage in collective bargaining negotiations. Upon demand of either party, collective bargaining between the state and an exclusive bargaining representative must begin within sixty days of the date of certification of the representative by the board or in the case of an existing exclusive bargaining representative, within sixty days of the receipt by a party of a demand issued by the other party.

3. Negotiating sessions, including strategy meetings of states or exclusive bargaining representatives, mediation and the deliberative process of arbitrators shall be exempt from the provisions of chapter 610, RSMo. The exclusive bargaining representative shall present his or her initial bargaining position to the state at the first bargaining session. The state shall present his or her initial bargaining position to the exclusive bargaining representative at the second bargaining session, which shall be held no later than two weeks following the first bargaining session.

Section 13. Notwithstanding any other provisions of law to the contrary, the following shall be exempt from the provisions of sections 610.010 to 610.030, RSMo:

(1) All discussions between the chief executive officers of the state, or its representative, and the general assembly of the state relative to collective bargaining;

(2) The collective bargaining negotiations between the chief executive officer, or his or her representative, and an exclusive bargaining representative; and

(3) All work products developed by the state in preparation for negotiations, and during negotiations.

Section 14. It shall be lawful for state employees to strike.

Section 15. Any state employee organization and state may sue or be sued as an entity under the provisions of this act. Service upon the state or upon the exclusive bargaining representative shall be in accordance with law or the rules of civil procedure, except that for purposes of actions and proceedings by or against exclusive bargaining representatives under this act, the circuit courts shall be deemed to have jurisdiction of an exclusive bargaining representative in the circuit in which such organization maintains its principal office, or in any circuit in which its duly authorized officers or agents are engaged in representing or acting for state employee members. Nothing in this act shall be construed to make any individual or his assets liable for any judgment against the state or an exclusive bargaining representative.

Section 16. Any notice required under the provisions of this act shall be in writing, but service thereof shall be sufficient if mailed by restricted certified mail, return receipt requested, addressed to the last known address of the parties, unless otherwise provided in this act. Refusal of restricted certified mail by any party shall be considered service. Prescribed time periods shall commence from the date of the receipt of the notice. Any party may at any time execute and deliver an acceptance of service in lieu of mailed notice.

Section 17. Every state employee organization which is certified as a representative of state employees under the provisions of this act shall file with the board two copies of the state employee organization's constitution and bylaws. Filing by a national or international state employee organization of its constitution and bylaws shall be accepted in lieu of filing of such documents by each subordinate organization. All changes or amendments to such constitutions and bylaws shall be promptly reported to the board.

Section 18. In case of any conflict between the provisions of this act and any other law, executive order or administrative regulation, the provisions of this act shall prevail and control.

Section 19. The provisions of this act are hereby declared to be severable. Should any of the provisions of this act be declared unconstitutional or in conflict with some other provisions of law, the remaining provisions of this act shall continue to be the law of the state relative to public employment relations."; and

Further amend said bill, Pages 1-12, Sections 105.500, 105.510, 105.520, 105.525 and 105.530, by striking all of said sections; and further amend by renumbering the remaining unassigned sections accordingly; and

Further amend said bill, Page 12, Section 1, Line 17 of said page, by striking the words "a public body" and inserting in lieu thereof the words "**the state**"; and further amend said page and section, line 20 of said page, by striking the words "public body" and inserting in lieu thereof the word "**state**"; and further amend said page and section, line 24 of said page, by striking the word "public" and inserting in lieu thereof the word "**state**"; and further amend said bill, page 13, section 1, line 5 of said page, by striking the word "public" and inserting in lieu thereof the word "**state**"; and further amend said page and section, line 7 of said page, by striking the word "public" and inserting in lieu thereof the word "**state**"; and further amend said page and section, line 10 of said page, by striking the word "public" and inserting in lieu thereof the word "**state**"; and further amend said page and section, line 12 of said page, by inserting immediately before the word "employment" the word "**state**"; and

Further amend said bill, Page 13, Section 2, Lines 14-15 of said page, by striking the following: "due process employee negotiations"; and

Further amend the title and enacting clause accordingly.

Senator Staples moved that the above amendment be adopted.

Senator Staples offered **SSA 1** for **SA 9**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 471, Pages 1-10, Sections 105.500, 105.510, 105.520 and 105.525, Line 4 of said page, by striking all of said sections; and further amend by renumbering the remaining unassigned sections accordingly; and

Further amend said bill, Page 12, Section 105.530, Line 14 of said page, by inserting immediately after all of said line the following:

"Section 1. As used in this act, the following terms mean:

(1) "Arbitration", the procedure whereby the parties involved in an impasse or grievance dispute submit their differences to a third party for a final and binding decision or as otherwise provided in this act;

(2) "Board", the state board of mediation established pursuant to chapter 295, RSMo;

(3) "Confidential state employee", any state employee who works in the personnel offices of the state and deals with information to be used by the state in collective bargaining; or any state employee who works in a close, continuing relationship with state employee officers or representatives directly participating in collective bargaining on behalf of the state;

(4) "Collective bargaining", to "bargain collectively", or to "negotiate", to perform the mutual obligation of the state, by its representatives, and the representatives of its state employees to negotiate in good faith at reasonable times and places with respect to wages, hours, and other terms and conditions of employment and the continuation, notification, or deletion of an existing provision of a collective bargaining agreement, with the intention of reaching an agreement, or to resolve questions arising under the agreement. This includes executing a written contract incorporating the terms of any agreement reached. The obligation to bargain collectively does not mean that either party is compelled to agree to a proposal nor does it require the making of a concession;

(5) "Exclusive bargaining representative", a state employee organization certified as the exclusive bargaining representative by the board pursuant to the provisions of this act or voluntarily recognized by the state upon proof that a majority of the state employees in an appropriate bargaining unit have authorized said state employee organization to represent them for purposes of bargaining under this act;

(6) "Impasse", the failure of the state and the exclusive bargaining representative to reach agreement in the course of negotiations;

(7) "Mediation", assistance by an impartial third party to reconcile an impasse between the state and the exclusive bargaining representative regarding wages, hours, and other terms and conditions of employment through interpretation, suggestion, and advice;

(8) "Professional state employee", any state employee engaged in work predominantly intellectual and varied in character rather than routine mental, manual, mechanical, or physical work; involving the consistent exercise of discretion and judgment in its performance; of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or any state employee who has completed the courses of specialized intellectual instruction and study described above and is performing related work under the supervision of a professional person to qualify to become a professional state employee as defined above;

(9) "State employee", any individual employed by the state, except individuals exempted under the provisions of section 2 of this act;

(10) "State employee organization", an organization in which state employees participate and which exists for the purpose, in whole or in part, of dealing with states concerning grievances, labor disputes, wages, hours, and

other terms and conditions of employment;

(11) "Strike", in concerted action with others, the state employee's refusal to report to duty, or willful absence from his or her position, or stoppage of work, or abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in the conditions, compensation, rights, privileges, or obligations of state employment;

(12) "Supervisor", a state employee who devotes a substantial amount of work time to supervisory duties, who customarily and regularly directs the work of two or more other state employees and who has the authority in the interest of the state to hire, promote or discipline other state employees or to recommend such actions effectively but does not include individuals who perform merely routine, incidental or clerical duties or who occasionally assume supervisory or directory roles or whose duties are substantially similar to those of their subordinates and does not include lead state employees, state employees who participate in peer review, state employee involvement programs or occasional state employee evaluation programs;

(13) "Temporary", foreseeable for a short period of time or for a fixed duration, rather than indefinite or indeterminate.

(14) "Appropriate unit", means a unit of state employees at any plant or installation or in a craft or in a function of the state which establishes a clear and identifiable community of interest among the state employees concerned.

Section 2. The following state employees shall be excluded from the provisions of this act:

(1) Elected officials and persons appointed to fill vacancies in elected offices, and members of any board or commission;

(2) Representatives of the state, including the administrative officer, director, or chief executive officer of the state, or major division thereof as well as his or her deputy, first assistant, and any non-bargaining unit supervisory state employees; provided, however, that nothing shall be construed to prohibit the state from bargaining with, and entering into a contract with a labor organization certified to represent a separate unit comprised solely of supervisors;

(3) Confidential state employees;

(4) Temporary state employees employed for a period of four months or less;

(5) State employees serving as commissioned and enlisted personnel of the Missouri national guard;

(6) Judges of the supreme court, judges of the court of appeals, circuit judges and associate circuit judges;

(7) Patients and inmates employed, sentenced or committed to any state or local institution;

(8) Missouri state highway patrol;

(9) State employees working directly for the general assembly of the state of Missouri;

(10) Any employees of a college or university.

Section 3. The state board of mediation shall administer the provisions of this act.

Section 4. Unless limited by the provisions of a collective bargaining agreement or by other statutory provisions, the state may:

(1) Direct the work of, hire, promote, assign, transfer, demote, suspend, discharge or terminate state employees;

- (2) Determine qualifications for employment and the nature and content of personnel examinations; and**
- (3) Take actions as may be necessary to carry out the mission of the state in emergencies.**

Section 5. State employees may:

- (1) Organize, or form, join, or assist any state employee organization;**
- (2) Negotiate collectively through representatives of their own choosing;**
- (3) Engage in other concerted activities for the purposes of collective bargaining or other mutual aid or protection insofar as any such activity is not prohibited by this act or any other law of the state; and**
- (4) Refuse to join or participate in the activities of state employee organizations, including the payment of any dues, fees or assessments or service fees of any type except to the extent that such right may be affected by agreements between the state and a state employee organization which is the exclusive bargaining representative requiring, as a condition of employment, the payment of a service fee in lieu of, and in an amount not greater than, dues which are payable by members of the labor organization to cover the cost of negotiation, contract administration and other activities of the labor organization which are germane to its functions as exclusive bargaining representative. The exclusive representative shall, as a condition of receiving such service fees, establish a procedure which provides the following protections to nonmembers of the exclusive representative who are required to pay such fees and object to paying all or a portion thereof:**
 - (a) Notice, in writing, of the fee which will be payable, which may be expressed in a dollar amount or a percentage of the dues payable by members, and the basis upon which the exclusive representative has determined such fee;**
 - (b) An opportunity to challenge such determination and receive a prompt decision from an impartial arbitrator, provided, however, that the selection of such arbitrator may not represent the unrestricted choice of the exclusive representative; and**
 - (c) Escrowing of any portion of the service fee paid by a challenging state employee which is reasonably in dispute pending the arbitrator's determination.**

Such agreement may require the payment of a service fee commencing thirty days after the beginning of employment or the effective date of such agreement, whichever is later.

Section 6. The state and a state employee organization which is the exclusive bargaining representative shall meet at reasonable times, including meetings reasonably in advance of the state's budget making process, to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment. The collective bargaining agreement negotiated between the state and the exclusive bargaining representative shall contain a grievance resolution procedure which shall apply to all state employees in the bargaining unit and shall provide for final and binding arbitration of disputes concerning the arbitration or interpretation of the agreement including questions of arbitrability. The collective bargaining agreement negotiated between the state and the exclusive bargaining representative may also include a provision for the checkoff of initiation fees and dues to such labor organization or the payment of a service fee in lieu thereof as authorized by section 5 of this act. The state shall negotiate only with the exclusive bargaining representative on matters contained in this act. Such obligation to negotiate in good faith does not compel either party to agree to a proposal or make a concession.

Section 7. 1. It shall be a prohibited practice for any state or exclusive bargaining representative to refuse to negotiate in good faith with respect to the scope of negotiations as defined in section 6 of this act.

2. It shall be a prohibited practice for the state or its designated representative to:

- (1) Interfere with, restrain or coerce state employees in the exercise of rights granted by this act;**

- (2) Dominate or interfere in the administration of any state employee organization;**
- (3) Encourage or discourage membership in any state employee organization, committee, or association by discrimination in hiring, tenure, or other terms or conditions of employment, except that nothing in this act shall prohibit the discharge of any state employee for failure to comply with the terms of an agreement authorized by section 5 of this act;**
- (4) Discharge or discriminate against any state employee because he or she has filed an affidavit, petition, or complaint or given any information or testimony under this act, or because he or she has formed, joined, or chosen to be represented by any exclusive bargaining representative;**
- (5) Refuse to negotiate collectively with representatives of any state employee organization which is an exclusive bargaining representative as required in this act;**
- (6) Deny the rights accompanying certification or exclusive recognition granted in this act;**
- (7) Refuse to participate in good faith in any agreed upon impasse procedures or those set forth in this act; or**
- (8) Refuse to reduce a collective bargaining agreement to writing and sign such agreement.**

3. It shall be a prohibited practice for a state employee organization or its agents wilfully to:

- (1) Interfere with, restrain, or coerce any state employee with respect to any of the rights under this act or in order to prevent or discourage his or her exercise of any such right, including, without limitation, all rights under section 5 of this act;**
- (2) Interfere, restrain, or coerce the state employee with respect to rights granted in this act or with respect to selecting a representative for purposes of negotiating collectively on the adjustment of grievances;**
- (3) Refuse to bargain collectively with the state as required in this act;**
- (4) Refuse to participate in good faith in any agreed upon impasse procedures or those set forth in this act; or**
- (5) Violate the impasse provisions of this act, which hereby are made applicable to states, state employees and exclusive representatives.**

4. The expressing of any views, argument, or opinion or the dissemination thereof, whether in written, printed, graphic or visual form, shall not constitute or be evidence of any unfair labor practice under any provisions of this act if such expression contains no threat of reprisal or force or promise of benefit.

Section 8. Proceedings against a party alleging a violation of section 7 of this act shall be commenced and shall take place in accordance with procedures established pursuant to chapter 295, RSMo.

Section 9. 1. Nothing in this act shall be construed to annul or modify any collective bargaining agreement entered into between the state and exclusive representative prior to the effective date of this act.

2. The board determination of an appropriate bargaining unit shall be upon petition filed by a state employee organization or upon its own initiative.

3. Within thirty days of receipt of a petition or notice to all interested parties if on its own initiative, the board shall conduct a public hearing, receive written or oral testimony, and promptly thereafter file an order defining the appropriate bargaining unit. The board determination of an appropriate unit shall not be subject to judicial review.

4. There may be statewide bargaining by a coalition of all exclusive representatives, irrespective of state

bargaining unit, concerning wages, fringe benefits and those matters which have uniform applicability to all state employees. Nothing in this act shall be construed to prohibit supplementary bargaining on behalf of state employees in a bargaining unit or part of a bargaining unit concerning matters uniquely affecting those state employees, or coordinated or consolidated bargaining between two or more bargaining units concerning matters uniquely affecting those state employees.

Section 10. 1. Board certification of a state employee organization as the exclusive bargaining representative of a bargaining unit shall be upon a petition filed with the board by the state, state employee, or a state employee organization and an election pursuant to section 11 of this act.

2. The petition of a state employee organization shall allege that the state employee organization has submitted a request to the state to bargain collectively with a designated group of state employees. The petition will be accompanied by written evidence that thirty percent of such state employees are members of the state employee organization or have authorized it to represent them for the purposes of collective bargaining.

3. For the purpose of decertification, the petition of the state employee shall allege that a state employee organization which has been certified or recognized as the exclusive bargaining representative of an appropriate unit does not represent a majority of such state employees and that the petitioners do not want to be represented by a state employee organization or seek certification of a different state employee organization. Such petition shall be accompanied by written evidence that thirty percent of such state employees do not want to be represented by a state employee organization or seek certification of a different state employee organization.

4. The petition of the state shall allege that it has received a request to bargain from a state employee organization which has not been certified as the exclusive representative of the state employees in an appropriate bargaining unit.

5. The board shall investigate the allegations of any petition and shall give reasonable notice of the receipt of such petition to all state employees, state employee organizations, and states named or described in such petitions or interested in the representation question. The board shall call an election under section 11 of this act within thirty days of receipt of a petition unless it finds that less than thirty percent of the state employees in the unit appropriate for collective bargaining support the petition for decertification or for certification, or the appropriate bargaining unit has not been determined pursuant to section 9 of this act.

6. The hearing and appeal procedures shall be the same as provided for in section 8 of this act.

Section 11. 1. Whenever a petition is filed by a state employee or state employee organization continuing the signatures of at least thirty percent of the state employees in an appropriate bargaining unit, the board shall conduct a secret ballot representation election to determine whether the state employees in the appropriate bargaining unit wish to be represented by an exclusive bargaining representative. The ballot shall contain the names of the petitioning state employee organization, any state employee organization submitting within ten days of the initial petition a petition containing signatures of at least ten percent of the state employees within the appropriate bargaining unit, and any incumbent labor organization. The ballot shall also contain a choice of no representation.

2. If none of the choices on the ballot receives the vote of a majority of the state employees voting, the board shall, within thirty days, conduct a run-off election among the two choices receiving the greatest number of votes.

3. Upon written objections filed by any party to the election within ten days after notice of the results of the election, if the board finds that misconduct or other circumstances prevented the state employees eligible to vote from freely expressing their preferences, the board may invalidate the election and hold a second or subsequent election for the state employees.

4. Upon completion of a valid election in which the majority choice of the bargaining unit state employees voting is determined, the board shall certify the results of the election, and shall give reasonable notice of the order to all state employee organizations listed on the ballot, the states, and the state employees in the appropriate

bargaining unit. A state employee organization which is the majority choice of the bargaining unit state employees voting in a valid election under this section shall be certified by the board as the exclusive bargaining representative for the bargaining unit state employees.

5. A petition for decertification or certification of an exclusive bargaining representative shall not be considered by the board for a period of one year from the date of the certification or noncertification of an exclusive bargaining representative or during the duration of a collective bargaining agreement not to exceed three years. A petition for decertification will not be considered during the duration of a collective bargaining agreement unless the collective bargaining agreement has been in effect for more than three years or the petition for decertification is filed not more than two hundred ten days and not less than one hundred eighty days prior to the expiration of the collective bargaining agreement.

Section 12. 1. The state employee organization certified as the bargaining representative or voluntarily recognized by the state upon proof that a majority of the state employees in an appropriate bargaining unit have authorized such state employee organization to represent them for purposes of collective bargaining under this act shall be the exclusive representative of all state employees in the bargaining unit and shall represent all state employees fairly, except that any individual state employee or a group of state employees shall have the right at any time to present grievances to their state and to have such grievances adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of a collective bargaining contract or agreement then in effect and the exclusive bargaining representative has been given the opportunity to be present at such adjustment.

2. The state employee organization which is an exclusive bargaining representative and the state may designate any individual or individuals as its representatives to engage in collective bargaining negotiations. Upon demand of either party, collective bargaining between the state and an exclusive bargaining representative must begin within sixty days of the date of certification of the representative by the board or in the case of an existing exclusive bargaining representative, within sixty days of the receipt by a party of a demand issued by the other party.

3. Negotiating sessions, including strategy meetings of states or exclusive bargaining representatives, mediation and the deliberative process of arbitrators shall be exempt from the provisions of chapter 610, RSMo. The exclusive bargaining representative shall present his or her initial bargaining position to the state at the first bargaining session. The state shall present his or her initial bargaining position to the exclusive bargaining representative at the second bargaining session, which shall be held no later than two weeks following the first bargaining session.

Section 13. Notwithstanding any other provisions of law to the contrary, the following shall be exempt from the provisions of sections 610.010 to 610.030, RSMo:

- (1) All discussions between the chief executive officers of the state, or its representative, and the general assembly of the state relative to collective bargaining;**
- (2) The collective bargaining negotiations between the chief executive officer, or his or her representative, and an exclusive bargaining representative; and**
- (3) All work products developed by the state in preparation for negotiations, and during negotiations.**

Section 14. It shall not be lawful for state employees to strike.

Section 15. Any state employee organization and state may sue or be sued as an entity under the provisions of this act. Service upon the state or upon the exclusive bargaining representative shall be in accordance with law or the rules of civil procedure, except that for purposes of actions and proceedings by or against exclusive bargaining representatives under this act, the circuit courts shall be deemed to have jurisdiction of an exclusive bargaining representative in the circuit in which such organization maintains its principal office, or in any circuit in which its duly authorized officers or agents are engaged in representing or acting for state employee members. Nothing

in this act shall be construed to make any individual or his assets liable for any judgment against the state or an exclusive bargaining representative.

Section 16. Any notice required under the provisions of this act shall be in writing, but service thereof shall be sufficient if mailed by restricted certified mail, return receipt requested, addressed to the last known address of the parties, unless otherwise provided in this act. Refusal of restricted certified mail by any party shall be considered service. Prescribed time periods shall commence from the date of the receipt of the notice. Any party may at any time execute and deliver an acceptance of service in lieu of mailed notice.

Section 17. Every state employee organization which is certified as a representative of state employees under the provisions of this act shall file with the board two copies of the state employee organization's constitution and bylaws. Filing by a national or international state employee organization of its constitution and bylaws shall be accepted in lieu of filing of such documents by each subordinate organization. All changes or amendments to such constitutions and bylaws shall be promptly reported to the board.

Section 18. In case of any conflict between the provisions of this act and any other law, executive order or administrative regulation, the provisions of this act shall prevail and control.

Section 19. The provisions of this act are hereby declared to be severable. Should any of the provisions of this act be declared unconstitutional or in conflict with some other provisions of law, the remaining provisions of this act shall continue to be the law of the state relative to public employment relations."; and

Further amend said bill, Page 12, Section 1, Line 17 of said page, by striking the words "a public body" and inserting in lieu thereof the words "**the state**"; and further amend said page and section, line 20 of said page, by striking the words "public body" and inserting in lieu thereof the word "**state**"; and further amend said page and section, line 24 of said page, by striking the word "public" and inserting in lieu thereof the word "**state**"; and further amend said bill, page 13, section 1, line 5 of said page, by striking the word "public" and inserting in lieu thereof the word "**state**"; and further amend said page and section, line 7 of said page, by striking the word "public" and inserting in lieu thereof the word "**state**"; and further amend said page and section, line 10 of said page, by striking the word "public" and inserting in lieu thereof the word "**state**"; and further amend said page and section, line 12 of said page, by inserting immediately before the word "employment" the word "**state**"; and

Further amend said bill, Page 13, Section 2, Lines 14-15 of said page, by striking the following: "due process employee negotiations"; and

Further amend the title and enacting clause accordingly.

Senator Staples moved that the above substitute amendment be adopted.

Senator Rohrbach raised the point of order that **SSA 1** for **SA 9** is out of order in that it attempts to amend previously amended material.

President Pro Tem McKenna ruled the point of order not well taken.

SSA 1 for **SA 9** was again taken up.

Senator Schneider offered **SA 1** to **SSA 1** for **SA 9**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 9

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 9 to Senate Substitute for Senate Committee

Substitute for Senate Bill No. 471, Page 6, Section 2, Line 2, by deleting line 2.

Senator Schneider moved that the above amendment be adopted.

Senator Staples raised the point of order that **SA 1 to SSA 1 for SA 9** is out of order in that it is in the third degree.

President Pro Tem McKenna ruled the point of order not well taken.

SA 1 to SSA 1 for SA 9 was again taken up.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 2 to SSA 1 for SA 9**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 9

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 9 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 471, Page 2, Section 1, Line 4, by inserting after the word "employees" the words "and employees of all political subdivisions of the state except those wholly or partly within a second, third or fourth class county."

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Russell, Singleton and Wiggins.

SA 2 to SSA 1 for SA 9 failed of adoption by the following vote:

YEAS--Senators			
Caskey	Clay	Curls	House
Jacob	Mathewson	Maxwell	McKenna
Schneider--9			
NAYS--Senators			
Banks	Bentley	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--25			
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Kinder offered **SA 3 to SSA 1 for SA 9**:

SENATE AMENDMENT NO. 3 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 9

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 9 to Senate Substitute for Senate Committee

Substitute for Senate Bill No. 471, Page 18, Section 19, Line 18, by inserting immediately after said line the following:

"Section 20. 1. No public employee labor organization shall use any portion of dues, agency shop fees, or any other fees paid by members of the labor organization, or individuals who are not members, to make contributions or expenditures except upon the written authorization of the member, or individual who is not a member, received within the previous twelve months on a form as provided in subsection 2 of this section.

2. The authorization referred to in subsection 1 shall be provided on a form, the sole purpose of which is for the documentation of such an authorization. The form shall be prescribed by the commission and at a minimum shall contain the name of the individual granting the authorization, the labor organization to which the authorization is granted, the total annual amount of the dues, agency shop fees, or any other fees which will be used to make contributions or expenditures and the signature of the individual granting the authorization. The form's title shall read, in at least twenty-four point bold type, "Authorization for Political Use of Fees" and shall also state, in at least 14 point bold type, the following words immediately above the signature line:

"Signing this form authorizes a portion of your dues, agency shop fees, or other fees to be used for making political contributions or expenditures. You are not obligated to sign this authorization. Your signature below is completely voluntary and cannot in any way affect your employment."

3. Any public employee labor organization that uses any portion of dues, agency shop fees or other fees to make contributions or expenditures under subsection 1 of this section shall maintain records that shall include a copy of each authorization obtained under subsection 2 of this section, the amounts and dates funds were actually withheld, the amounts and dates funds were transferred to a committee and the committee to which the funds were transferred.

4. Copies of all records maintained under subsection 3 of this section shall be sent to the ethics commission, established pursuant to the provisions of section 105.955, RSMo.

5. Individuals who do not authorize contributions or expenditures under subsection 1 of this section shall not have their dues, agency shop fees or other fees raised in lieu of the contribution or expenditure.

6. If the dues, agency shop fees or other fees referred to in subsections 1 and 3 of this section included an amount for a contribution or expenditure the dues, agency shop fees or other fees shall be reduced by that amount for any individual who does not sign an authorization as described under subsection 1 of this section.

7. The requirements of this section may not be waived by the member or individual and waiver of the requirements shall not be made a condition of employment or continued employment.

8. For the purposes of this section "agency shop" means an arrangement that requires an employee, as a condition of continued employment, either to join the recognized employee organization, or to pay the organization a service fee.

9. The provisions of this section shall be subject to the provisions of sections 130.072 and 130.081.

Section 21. 1. No employer or other person responsible for the disbursement of funds in payment of wages shall deduct any funds from an employee's wages that the employer knows or has reason to know will be used in whole or in part as a contribution or expenditure except upon the written request of the employee and received within the previous twelve months on a form as described by subsection 2 of this section.

2. The request referred to in subsection 1 of this section shall be made on a form, the sole purpose of which is for the documentation of such a request. The form shall be prescribed by the Missouri ethics commission, established pursuant to the provisions of section 105.955, RSMo, and at a minimum shall contain the name of the employee, the name of the employer, the total annual amount which is being withheld for a contribution or expenditure and the employee's signature. The form's title shall read, in at least twenty-four point bold type, "Request for Political Payroll Deductions" and shall also state, in at least fourteen point bold type, the following

words immediately above the signature line:

"Signing this form authorizes your employer to make a deduction from your paycheck that is intended to be used as a political contribution or expenditure. You are not obligated to authorize this deduction. Your signature below is completely voluntary and cannot in any way affect your employment."

3. Each employer or other person who makes deductions under subsection 1 shall maintain records that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, the amounts and dates funds were transferred to a committee and the committee to which the funds were transferred.

4. Copies of all records maintained under subdivision 3 shall be sent to the ethics commission, established pursuant to the provisions of section 105.955, RSMo.

5. The requirements of this section may not be waived by an employee and waiver of these requirements shall not be made a condition of employment or continued employment.

6. For the purposes of this section, "employer" has the same meaning as defined in section 288.032.

7. For the purposes of this section, "employee" means any person in the employment, as defined in section 288.034, of an employer.

8. For the purposes of this section "wages" has the same meaning as defined in section 288.036."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Schneider raised the point of order that **SA 3 to SSA 1 for SA 9** is out of order in that it goes beyond the subject matter of the bill.

President Pro Tem McKenna ruled the point of order not well taken.

President Pro Tem McKenna assumed the Chair.

Senator Kinder requested a roll call vote be taken on the adoption of **SA 3 to SSA 1 for SA 9** and was joined in his request by Senators Mueller, Russell, Schneider and Westfall.

Senator Schneider raised the point of order that **SA 3 to SSA 1 for SA 9** is out of order in that the amendment goes beyond the subject matter of the bill.

At the request of Senator Kinder, **SA 3 to SSA 1 for SA 9** was withdrawn, rendering the point of order moot.

Senator Kinder offered **SA 4 to SSA 1 for SA 9**:

SENATE AMENDMENT NO. 4 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 9

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 9 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 471, Page 18, Section 19, Line 18, by inserting immediately after said line the following:

"Section 20. 1. No public employee labor organization shall use any portion of dues, agency shop fees, or any

other fees paid by members of the labor organization, or individuals who are not members, to make contributions or expenditures except upon the written authorization of the member, or individual who is not a member, received within the previous twelve months on a form as provided in subsection 2 of this section.

2. The authorization referred to in subsection 1 shall be provided on a form, the sole purpose of which is for the documentation of such an authorization. The form shall be prescribed by the commission and at a minimum shall contain the name of the individual granting the authorization, the labor organization to which the authorization is granted, the total annual amount of the dues, agency shop fees, or any other fees which will be used to make contributions or expenditures and the signature of the individual granting the authorization. The form's title shall read, in at least twenty-four point bold type, "Authorization for Political Use of Fees" and shall also state, in at least 14 point bold type, the following words immediately above the signature line:

"Signing this form authorizes a portion of your dues, agency shop fees, or other fees to be used for making political contributions or expenditures. You are not obligated to sign this authorization. Your signature below is completely voluntary and cannot in any way affect your employment."

3. Any public employee labor organization that uses any portion of dues, agency shop fees or other fees to make contributions or expenditures under subsection 1 of this section shall maintain records that shall include a copy of each authorization obtained under subsection 2 of this section, the amounts and dates funds were actually withheld, the amounts and dates funds were transferred to a committee and the committee to which the funds were transferred.

4. Copies of all records maintained under subsection 3 of this section shall be sent to the ethics commission, established pursuant to the provisions of section 105.955, RSMo.

5. Individuals who do not authorize contributions or expenditures under subsection 1 of this section shall not have their dues, agency shop fees or other fees raised in lieu of the contribution or expenditure.

6. If the dues, agency shop fees or other fees referred to in subsections 1 and 3 of this section included an amount for a contribution or expenditure the dues, agency shop fees or other fees shall be reduced by that amount for any individual who does not sign an authorization as described under subsection 1 of this section.

7. The requirements of this section may not be waived by the member or individual and waiver of the requirements shall not be made a condition of employment or continued employment.

8. For the purposes of this section "agency shop" means an arrangement that requires an employee, as a condition of continued employment, either to join the recognized employee organization, or to pay the organization a service fee.

9. The provisions of this section shall be subject to the provisions of sections 130.072 and 130.081.

Section 21. 1. No employer of any employee who belongs to a labor organization that represents public employees or other person responsible for the disbursement of funds in payment of wages shall deduct any funds from an employee's wages that such employer knows or has reason to know will be used in whole or in part as a contribution or expenditure except upon the written request of the employee and received within the previous twelve months on a form as described by subsection 2 of this section.

2. The request referred to in subsection 1 of this section shall be made on a form, the sole purpose of which is for the documentation of such a request. The form shall be prescribed by the Missouri ethics commission, established pursuant to the provisions of section 105.955, RSMo, and at a minimum shall contain the name of the employee, the name of the employer, the total annual amount which is being withheld for a contribution or expenditure and the employee's signature. The form's title shall read, in at least twenty-four point bold type, "Request for Political Payroll Deductions" and shall also state, in at least fourteen point bold type, the following words immediately above the signature line:

"Signing this form authorizes your employer to make a deduction from your paycheck that is intended to be used as a political contribution or expenditure. You are not obligated to authorize this deduction. Your signature below is completely voluntary and cannot in any way affect your employment."

3. Each such employer or other person who makes deductions under subsection 1 shall maintain records that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, the amounts and dates funds were transferred to a committee and the committee to which the funds were transferred.

4. Copies of all records maintained under subdivision 3 shall be sent to the ethics commission, established pursuant to the provisions of section 105.955, RSMo.

5. The requirements of this section may not be waived by an employee and waiver of these requirements shall not be made a condition of employment or continued employment.

6. For the purposes of this section, "employee" means any person in the employment, as defined in section 288.034, of a public entity.

7. For the purposes of this section "wages" has the same meaning as defined in section 288.036."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Mueller, Westfall, Russell and Singleton.

SA 4 to SSA 1 for SA 9 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Singleton
Westfall	Yeckel--14		
NAYS--Senators			
Banks	Caskey	Clay	Curls
DePasco	Goode	House	Howard
Jacob	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Quick	Schneider
Scott	Staples	Wiggins--19	
Absent--Senator Sims--1			
Absent with leave--Senators--None			

SSA 1 for SA 9, as amended, was again taken up.

Senator Schneider requested a roll call vote be taken on the adoption of **SSA 1 for SA 9**, as amended. He was joined in his request by Senators Mathewson, Quick, Russell and Wiggins.

SSA 1 for SA 9, as amended, failed of adoption by the following vote:

YEAS--Senators			
Banks	Childers	Howard	Staples
Westfall--5			
NAYS--Senators			
Bentley	Caskey	Clay	Curls

DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Wiggins
Yeckel--29			

Absent--Senators--None

Absent with leave--Senators--None

At the request of Senator Staples, **SA 9** was withdrawn.

Senator Flotron requested a roll call vote be taken on the perfection of **SS** for **SCS** for **SB 471**, as amended, and was joined in his request by Senators Childers, Kenney, Sims and Westfall.

Senator Schneider moved that **SS** for **SCS** for **SB 471**, as amended, be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator Schneider moved that **SS** for **SCS** for **SB 471**, as amended, be declared perfected and ordered printed, which motion failed by the following vote:

YEAS--Senators			
Banks	Caskey	Clay	Curls
DePasco	Goode	House	Jacob
Mathewson	Maxwell	McKenna	Quick
Schneider	Scott	Wiggins--15	
NAYS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	Johnson	Kenney	Kinder
Klarich	Lybyer	Mueller	Rohrbach
Russell	Sims	Singleton	Staples
Westfall	Yeckel--18		
Absent--Senator Howard--1			
Absent with leave--Senators--None			

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 1126--Financial and Governmental Organization.

HS for **HCS** for **HB 1317**--Transportation.

HB 1381--Elections, Pensions and Veterans' Affairs.

HB 1564--Appropriations.

HCS for **HB 1684**--Aging, Families and Mental Health.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SB 802**; **SB 566**; **SCS** for **SB 871**; **SCS** for **SBs 813** and **864**; **SCS** for **SB 762**; **SCS** for **SB 613**; and **SCS** for **SB 522**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

BILL REFERRALS

President Pro Tem McKenna referred **SCS** for **SB 613**; **SCS** for **SBs 813** and **864**; **SCS** for **SB 522** and **SCS** for **SB 802** to the Committee on State Budget Control.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 940**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 739**, entitled:

An Act to repeal section 64.241, RSMo 1994, relating to regulation of subdivisions, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 884**.

Bill ordered enrolled.

RESOLUTIONS

Senator Clay offered Senate Resolution No. 1667, regarding Reverend Dr. James D. Dixon, II, St. Louis, which was adopted.

Senator Staples offered Senate Resolution No. 1668, regarding Dr. John Fox, Poplar Bluff, which was adopted.

Senator Graves offered Senate Resolution No. 1669, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jesse Hunter, Unionville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Mueller introduced to the Senate, Duane and Dr. Jacquelyn B. Dilworth, and their children Lynn and Sonny, St. Louis; and Lynn and Sonny were made honorary pages.

Senator Caskey introduced to the Senate, Bill and Shelly Huntington, and their children, Casey, Hannah and Ross; and Ashton Albert and Lauren Zelazek, Warrensburg; and Casey was made an honorary page.

On behalf of Senator McKenna, the President introduced to the Senate, Dick Hutson, and a delegation representing

Festus High School, St. Pius, Herculaneum and Crystal City in the American Legion Post 253 State Government Day.

Senator Jacob introduced to the Senate, Justin and Ryan Grout, Huntsville; and Justin and Ryan were made honorary pages.

Senator Graves introduced to the Senate, David Macoubrie, Gloria Colter, and sixth grade students from Chillicothe.

Senator Graves introduced to the Senate, Terry Colt, Kelly Sensenrich and Kenneth Stoll, Chillicothe.

Senator Childers introduced to the Senate, Larry Lafferty, Sharron Lewandowski, Raymon Barnes, and fifteen eighth grade students from Plainview R-8, Ava.

Senator Rohrbach introduced to the Senate, Carolyn Adams, and twenty fourth grade students from Pilot Grove Elementary School, Pilot Grove.

Senator Howard introduced to the Senate, Mayor Bruce White, Tallapoosa; Glenda Miller and Doris Green, Dudley; Catherine Odle and Alta Rader, Risco; Mayor Bill Clark, Cardwell; Peggy Brewington, Gideon; Mayor Charlie Barker, Qulin; Dale Pry, Butler County; Mayor Lindell Booker, Steele; Mayor Sondra Booker, Holland; Mayor Lonnie Miller, Wardell; Mayor Willard Adams, Bernie; Ron and Bonnie Yersak, Dexter; and Gary Storey, Freeburg.

On behalf of Senators Mueller, House and herself, Senator Sims introduced to the Senate, Pachyderms from St. Louis and St. Charles Counties.

Senator Childers introduced to the Senate, LaJena Witt, Katie Davis, Mary Arnold, Rick and Beth Crawford and Trish Thompson, Branson; Stephanie Smith, Alisha Walter and Tammy Roberts, Hollister; Mandy Morton and Chrissy Stuart, Forsyth; and Laura Brown and Alyssa Neal, Bradleyville.

Senator Lybyer introduced to the Senate, Barry Reynolds, and eighth grade students from Licking.

Senator DePasco introduced to the Senate, forty members of the VIP Class from the First Presbyterian Church Sunday School Class, Independence.

Senator Singleton introduced to the Senate, Diane Sharits, Carthage.

On behalf of Senator Johnson, the President introduced to the Senate, Diane Marty, Parkville.

Senator Graves introduced to the Senate, Denise Ray, and twenty fifth and sixth grade students from North Daviess School, Daviess County.

Senator House introduced to the Senate, Kristin Beuhler, and forty-two students, parents and teachers from Central Elementary School, St. Charles County.

Senator Maxwell introduced to the Senate, Peggy Mohan, Mary Tietz, and thirty juniors from La Plata Junior High School, La Plata; and fourth grade students from Eugene Field School, Mexico; and Michelle Hermann, Stacy Snodgrass and Susan Swisher were made honorary pages.

Senator Graves introduced to the Senate, Daisy Workman, Kathy King, and students from Nodaway County.

Senator Graves introduced to the Senate, Bette Williams, Brennan Delaney, Sally Frede, Zeke Hughes, Diana Dakan, and students from Holt County.

On behalf of Senator McKenna, the President introduced to the Senate, H. Claire Conway and her daughter, Michelle, House Springs; and Hans Ridder, Beth Remming, Valerie Kennedy, Mike Arnhart and Lieutenant Ed Moses.

Senator Westfall introduced to the Senate, Faye Peters, Halfway.

Senator Johnson introduced to the Senate, Helen Weigman, June Kisker and Bev McConnell, Weston.

Senator Johnson introduced to the Senate, Oneida Gillispie, Savannah; Melissa Taylor, Bolckow; and Kandi Kepner, St. Joseph; and Melissa and Kandi were made honorary pages.

Senator Childers introduced to the Senate, Kristen Stephenson, and forty-one seventh grade students from Crane Middle School, Crane.

Senator Singleton introduced to the Senate, Patrick Kelly, Joe Whaley and Mary A. Strohl, Newton County.

Senator Caskey introduced to the Senate, Youth Yancey, Wayne Morrill, and representatives for Youth in Government Day sponsored by Matthews-Crawford Post No. 131, Warrensburg; and Mark Vollrath, Valerie Jennings, Brandi Anstine and Clayton Kennedy were made honorary pages.

Senator Yeckel introduced to the Senate, Laura Howard, and fifth grade students from Salem Lutheran School, St. Louis; and Becky Tenholder, Bryan Schranz and Becky Hoyer were made honorary pages.

Senator Rohrbach introduced to the Senate, his wife, Beth, and Terry Borghardt, California.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-EIGHTH DAY--THURSDAY, APRIL 23, 1998

The Senate met pursuant to adjournment.

Senator Johnson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, the Bible tells us of those who have eyes but cannot see and ears but cannot hear. Forgive us when we see and hear only what we want, when we cannot see those who are in need or hear the cries of the poor. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

CONCURRENT RESOLUTIONS

Senator Quick offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 39

WHEREAS, the general assembly is continually asked to act upon measures dealing with complex and controversial subjects; and

WHEREAS, such measures frequently require lengthy and comprehensive study and evaluation; and

WHEREAS, the committee system of evaluation of proposed legislation has proven its worth time and again to the entire membership of the general assembly:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, the House of Representatives concurring therein, that the standing committees of each house and such other committees of the Senate and House of Representatives as the president pro tem or the speaker shall designate may meet with the approval of the president pro tem or speaker, as the case may be, to consider bills or to perform any other necessary legislative function during the interim prior to the convening of the 90th general assembly; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the members of each committee incurred while attending meetings of those committees, and the expense of the research and clerical personnel assigned thereto, be paid from the appropriate House or Senate contingent fund.

Senator Quick requested unanimous consent to suspend the rules and take **SCR 39** up for adoption, which request was granted.

President Pro Tem McKenna assumed the Chair.

On motion of Senator Quick, **SCR 39** was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Banks	Curls	Lybyer	Schneider--4
Absent with leave--Senators--None			

Senators Maxwell and Rohrbach offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 40

- WHEREAS, crime is both a threat to the safety of the citizens of this state and a drain on the resources of this state that would otherwise be available to promote the general welfare of citizens; and
- WHEREAS, the correctional system is charged with the administration of punishment for violations of criminal laws which protect Missourians; and
- WHEREAS, the budget of the state's correctional system has grown rapidly over the past five years, a result of the increase in certain drug-related crimes as well as changes in sentencing statutes; and
- WHEREAS, the correctional system is responsible for the supervision of approximately 77,100 individuals, over 23,380 of whom are in the custody of correctional institutions and over 53,720 of whom are on probation or parole; and
- WHEREAS, the institutional population of the Department of Corrections has increased 52% over the past five fiscal years; and
- WHEREAS, the caseload of the Board of Probation and Parole has increased 34% over the past five fiscal years; and
- WHEREAS, the average annual cost to house one inmate in the correctional system, excluding capital costs, is \$11,084, which represents a 20% increase in cost over the past five fiscal years; and
- WHEREAS, the criminal code of this state has not been reviewed since 1977 to determine the range, consistency and appropriateness of penalties imposed for various types of crimes;

WHEREAS, the Department of Corrections is currently funded to plan and construct approximately 9,000 new permanent beds to accommodate the projected increase in population at an estimated cost of \$369 million; and

WHEREAS, the additional funds necessary to support an expanding correctional system diminishes the state's ability to provide educational benefits for children;

WHEREAS, the financial demands of the correctional system also compete with the state's ability to provide services and economic opportunities necessary for a stable environment for families;

WHEREAS, the increasing amount of financial resources devoted to the correctional system is a burden on the taxpayers of the state;

WHEREAS, state investments in providing services and opportunities for its citizens can contribute to crime prevention;

NOW THEREFORE BE IT RESOLVED that the members of the Senate, Eighty-ninth General Assembly, the House of Representatives concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate, and seven members of the House of Representatives, to be appointed by the Speaker of the House; and

BE IT FURTHER RESOLVED that an advisory council may be created by the committee, with nine citizen members with experience in and knowledge of the issues to be addressed, one from each congressional district in the state;

BE IT FURTHER RESOLVED that said committee conduct an in-depth study and make appropriate recommendations concerning revisions to the criminal code, additional measures to enhance sure, swift and fair punishment, ways to encourage the prevention of crime, cost effective methods of treatment for individuals as an alternative to custody within correctional centers, types of programs to deter repeat offenders, and any other issues the committee deems relevant;

BE IT FURTHER RESOLVED that the committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly no later than December 15, 1998; and

BE IT FURTHER RESOLVED that the committee may solicit any input and information necessary to fulfill its obligations from the Judiciary, Department of Public Safety, Department of Corrections, and representatives of citizen groups formed to address criminal justice issues; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research and House Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution shall be delivered to the Governor and the Chief Justice.

RESOLUTIONS

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1670

WHEREAS, the members of the Missouri Senate have been pleased to learn that Reverend Joseph M. Freeman, S.J., is completing 53 years as a Professor on the faculty of Rockhurst College, Kansas City; and

WHEREAS, Father Freeman, a native of Omaha, Nebraska, will announce Friday evening, April 24th, at a Rockhurst College Faculty Dinner, his retirement from teaching at Rockhurst; and

WHEREAS, as Professor of Philosophy for 53 years at Rockhurst, Father Freeman has been the pre-eminent member of the faculty, whose teaching has benefited the lives of thousands of students, whose later lifetime works, wherever they are in the world, have been enriched by his profound influence; and

WHEREAS, Father Freeman, has been the hero of Rockhurst students and has been selected by the students as their best and most popular professor;

WHEREAS, our colleague, the current Senator from the 10th District, Senator Harry Wiggins, the sponsor of the Resolution, is himself a graduate of Rockhurst College who spent four semesters in Father Freeman's classes;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the outstanding service by Father Joseph Freeman, as Professor of Philosophy at Rockhurst College for 53 years, which may well be a record, express their appreciation for his profound and incredible influence on thousands of students, and extend to Father Freeman, very best wishes for many long years continued good health and happiness; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Reverend Joseph M. Freeman, S.J. and Rockhurst College.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 745** and **SB 709**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator House moved that **SB 862** be taken up for perfection, which motion prevailed.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 862, Page 1, Section 166.400, Line 2, by striking said line and inserting in lieu thereof, the following: "the 'Missouri Family Higher Education Savings Plan'."; and

Further amend said bill, page 1, section 166.410, line 9, by striking "MOSTARS" and inserting in lieu thereof, the following: "**Missouri family**"; and further amend said section, line 13, by striking said line and inserting in lieu thereof, the following: "**(5) 'Missouri family higher education savings plan' or 'savings plan', the**"; and

Further amend said bill, page 2, section 166.415, line 1, by striking "MOSTARS" and inserting in lieu thereof, the following: "**Missouri family**"; and further amend said section, line 2, by striking "Program" and inserting in lieu thereof, the following: "**Plan**"; and further amend said line by striking "MOSTARS" and inserting in lieu thereof, the following: "**Missouri family**"; and further amend said section, line 10, by striking "MOSTARS higher education savings program" and inserting in lieu thereof, the following: "**Missouri family higher education savings plan**"; and

Further amend said bill, page 4, section 166.430, line 5, by striking "that no".

Senator House moved that the above amendment be adopted, which motion prevailed.

At the request of Senator House, **SB 862**, as amended, was placed on the Informal Calendar.

Senator Quick moved that **SB 852** and **SB 913**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 852** and **913**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 852 and 913

An Act to repeal sections 30.270, 361.080, 362.044, 362.245, 362.250, 408.551, 490.250 and 513.430, RSMo 1994, and sections 319.100, 319.131, 362.105, 362.413, 408.140, 427.125 and 473.543, RSMo Supp. 1997, and to enact in lieu thereof twenty-one new sections relating to banking.

Was taken up.

Senator Quick moved that **SCS** for **SBs 852** and **913** be adopted.

Senator Quick offered **SS** for **SCS** for **SBs 852** and **913**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 852 & 913

An Act to repeal sections 30.270, 361.080, 362.044, 362.245, 362.250, 408.551, 408.653, 490.250 and 513.430, RSMo 1994, and sections 319.100, 319.131, 362.413, 408.140, 427.125 and 473.543, RSMo Supp. 1997, and to enact in lieu thereof twenty new sections relating to banking.

Senator Quick moved that **SS** for **SCS** for **SBs 852** and **913** be adopted, which motion prevailed.

On motion of Senator Quick, **SS** for **SCS** for **SBs 852** and **913** was declared perfected and ordered printed.

SB 485, with **SCS**, was placed on the Informal Calendar.

Senator Sims moved that **SB 771** and **SB 687**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 771** and **687**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 771 and 687

An Act to repeal sections 210.720, 211.183, 211.464 and 453.160 RSMo 1994, and sections 192.016, 211.444, 211.171, 211.447, 452.402, 453.010, 453.025, 453.030, 453.040, 453.060, 453.070, 453.075, 453.077, 453.080, 453.110 and 453.170, RSMo Supp. 1997, relating to adoption, and to enact in lieu thereof twenty new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Sims moved that **SCS** for **SBs 771** and **687** be adopted.

Senator Mathewson assumed the Chair.

Senator Sims offered **SS** for **SCS** for **SBs 771** and **687**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 771 & 687

An Act to repeal sections 210.720, 211.183, 211.464 and 453.160 RSMo 1994, and sections 192.016, 211.444, 211.171, 211.447, 452.402, 453.010, 453.025, 453.030, 453.040, 453.060, 453.070, 453.075, 453.077, 453.080, 453.110, 453.170 and 568.175, RSMo Supp. 1997, relating to adoption, and to enact in lieu thereof twenty-one new sections relating to the same subject, with an emergency clause and penalty provisions.

Senator Sims moved that **SS** for **SCS** for **SBs 771** and **687** be adopted.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 771 and 687, Page 1, In the Title, Line 7 of said title, by striking the word "adoption" and inserting in lieu thereof the following: "child custody and child support proceedings"; and

Further amend said bill, Page 1, Section A, Line 9 of said page, by inserting immediately after all of said line the following:

"104.540. 1. All premium payments and deferred compensation provided for under sections 104.320 to 104.540 are hereby made obligations of the state of Missouri. No alteration, amendment, or repeal of sections 104.320 to 104.540 shall affect the then existing rights of members and beneficiaries, but shall be effective only as to rights which would otherwise accrue hereunder as a result of services rendered by an employee after such alteration, amendment, or repeal.

2. Any annuity, benefits, funds, property, or rights created by, or accruing or paid to, any person under the provisions of sections 104.320 to 104.540 shall not be subject to execution, garnishment, attachment, writ of sequestration, or any other process or claim whatsoever, and shall be unassignable, except [that] **with regard to the collection of child support or maintenance**. Any retired member of the system may request the executive director of the system, in writing, to withhold and pay on his behalf to the proper person, from each of his monthly retirement benefit payments, if the payment is large enough, the contribution due from the retired member to any group providing prepaid hospital care and any group providing prepaid medical and surgical care and any group providing life insurance when such group is composed entirely of members of the system.

3. The executive director of the system shall, when requested in writing by a retired member, withhold and pay over the funds authorized in subsection 2 of this section until such time as the request to do so is revoked by the death or written revocation of the retired member."; and

Further amend said bill, Page 4, Section 192.016, Line 4 of said page, by inserting immediately after all of said line the following:

"193.215. 1. A certificate or report registered pursuant to sections 193.005 to 193.325 may be amended only pursuant to the provisions of sections 193.005 to 193.325, and regulations adopted by the department.

2. A certificate or report that is amended pursuant to this section shall be marked "Amended" except as otherwise provided in this section. The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made part of the record.

3. Upon receipt of a certified copy of an order of a court of competent jurisdiction changing the name of a person born in this state and upon request of such person or such person's parents, guardian, or legal representative, the state registrar shall amend the certificate of birth to show the new name. The court order shall include such facts as are necessary to locate and identify the certificate of birth of the person whose name is being changed.

4. When an applicant does not submit the minimum documentation required in the regulations for amending a vital record or when the state registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statements or the documentary evidence, and if the deficiencies are not corrected, the state registrar shall not amend the vital record and shall advise the applicant of the reason for this action and the applicant's right of appeal to a court of competent jurisdiction.

5. When a certificate or report is amended pursuant to this section, the state registrar shall report the amendment to any other custodians of the vital record and their record shall be amended accordingly.

6. Upon written request of both parents and receipt of a sworn acknowledgment of paternity notarized and signed by both parents of a child born out of wedlock, the state registrar shall amend the certificate of birth to show such paternity.

The acknowledgment affidavit form shall be developed by the state registrar and shall include the minimum requirements prescribed by the secretary of the Department of Health and Human Services pursuant to 42 U.S.C. section 652(a)(7). The acknowledgment form shall include provisions to allow the parents to change the surname of the child and such surname shall be changed on the birth record if the parents elect to change the child's surname. The signature of the parents shall be notarized or the signature shall be witnessed by at least two disinterested adults whose signatures and addresses shall be plainly written thereon. The form shall be accompanied by oral **notice, which may be provided through the use of video or audio equipment**, and written notice to the mother and putative father of:

- (1) The alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing the acknowledgment;
 - (2) The benefits of having the child's paternity established; and
 - (3) The availability of paternity establishment and child support enforcement services. A rescission of acknowledgment form shall be filed with the bureau of vital records pursuant to section 210.823, RSMo, to vacate the legal finding of paternity. The bureau shall file all rescissions and forward a copy of each to the division of child support enforcement. The birth record shall only be changed pursuant to this subsection upon an order of the court or the division of child support enforcement.
7. The department shall offer voluntary paternity establishment services.
8. Upon receipt of a certified copy of an order of a court of competent jurisdiction changing the name of a person born in this state and upon request of such person or such person's parents, guardian or legal representative, the state registrar shall amend the certificate of birth to show the new name.
9. Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating the sex of an individual born in this state has been changed by surgical procedure and that such individual's name has been changed, the certificate of birth of such individual shall be amended.

210.109. 1. The division of family services shall establish a child protection system [in eight areas of the state selected by the division] **for the entire state**.

2. The child protection system shall seek to promote the safety of children and the integrity and preservation of their families by conducting investigations or family assessments in response to reports of child abuse or neglect. The system shall endeavor to coordinate community resources and provide assistance or services to children and families identified to be at risk, and to prevent and remedy child abuse and neglect.

3. In implementing the child protection system, the division shall:

- (1) Receive and maintain reports pursuant to the provisions of subsections 1 and 2 of section 210.145;
- (2) Forward the report to the appropriate division staff who shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child. The division may investigate any report, but shall conduct an investigation involving reports, which if true, would constitute a violation of section 565.050, RSMo, if the victim is a child less than eighteen years of age, a violation of section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or any other violation of chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, a violation of section 567.050, RSMo, if the victim is a child less than eighteen years of age, a violation of section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, a violation of section 573.025 or 573.035, RSMo, or an attempt to commit any such crimes;
- (3) Communicate reports of child abuse or neglect to the appropriate local office, pursuant to the provisions of subsection 4 of section 210.145;

(4) Contact the appropriate law enforcement agency upon receipt of a report of a violation of section 565.020, 565.021, 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age, a violation of section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or any other violation of chapter 566, RSMo, if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, a violation of section 567.050, RSMo, if the victim is a child less than eighteen years of age, a violation of section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo, a violation of section 573.025 or 573.035, RSMo, or an attempt to commit any such crimes, and shall provide such agency with a detailed description of the report received. The appropriate law enforcement agency shall assist the division in the investigation or provide the division, within a reasonable time, an explanation in writing detailing the reasons why it is unable to assist;

(5) Cause a thorough investigation or family assessment and services approach to be initiated within twenty-four hours of receipt of the report from the division, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation or family assessment and services approach shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation or family assessment and services approach shall include direct observation of the subject child within twenty-four hours of the receipt of the report;

(6) Investigate, if it is determined that an investigation is necessary, in compliance with the provisions of section 210.145;

(7) Assess, in cases where the family assessment and services approach is used, any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(8) Provide services, in cases in which the family assessment and services approach is used, which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(9) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(10) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed;

(11) Conduct a family assessment and services approach on reports initially referred for an investigation, if it is determined that a complete investigation is not required. If law enforcement officers are involved in the investigation, they shall provide written agreement with this decision. The reason for the termination of the investigative process shall be documented in the record;

(12) Assist the child and family in obtaining services, if at any time during the investigation it is determined that the child or any member of the family needs services;

(13) Collaborate with the community to identify comprehensive local services and assure access to those services for children and families where there is risk of abuse or neglect;

(14) Contact the person who made the report under section 210.115, pursuant to the provisions of section 210.145;

(15) Forward any evidence of malice or harassment to the local prosecuting or circuit attorney as required by the provisions of section 210.145;

(16) Provide services as required by section 210.145;

(17) Use multidisciplinary services as required by section 210.145;

(18) Update the information in the information system within thirty days of an oral report of abuse or neglect. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation or family assessment and services approach, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations or family assessments within thirty days, unless good cause for the failure to complete the investigation or assessment is documented in the information system. If the investigation or family assessment is not completed within thirty days the information system shall be updated at regular intervals and upon the completion of the investigation. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter;

(19) Maintain a record which contains the facts ascertained which support the determination as well as the facts that do not support the determination.

4. By January 1, 1998, the division of family services shall submit documentation to the speaker of the house of representatives and the president pro tem of the senate on the success or failure of the child protection system established in this section. The general assembly may recommend statewide implementation or cancellation of the child protection system based on the success or failure of the system established in this section.

5. The documentation required by subsection 4 of this section shall include an independent evaluation of the child protection system completed according to accepted, objective research principles."; and

Further amend said bill, Page 5, Section 210.720, Line 14 of said page, by inserting immediately after all of said line the following:

"210.822. 1. A man shall be presumed to be the natural father of a child if:

(1) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within three hundred days after the marriage is terminated by death, annulment, declaration of invalidity, or dissolution, or after a decree of separation is entered by a court; or

(2) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with the law, although the attempted marriage is or may be declared invalid, and:

(a) If the attempted marriage may be declared invalid only by a court, the child is born during the attempted marriage or within three hundred days after its termination by death, annulment, declaration of invalidity or dissolution; or

(b) If the marriage is invalid without a court order, the child is born within three hundred days after the termination of cohabitation; or

(3) After the child's birth, he and the child's natural mother have married or attempted to marry each other by a marriage solemnized in apparent compliance with law, although the marriage is or may be declared invalid, and:

(a) He has acknowledged his paternity of the child in writing filed with the bureau; or

(b) With his consent, he is named as the child's father on the child's birth certificate [before July 1, 1997]; or

(c) He is obligated to support the child pursuant to a written voluntary promise or by court order; or

(4) An expert concludes that the blood tests show that the alleged parent is not excluded and that the probability of paternity is ninety-eight percent or higher, using a prior probability of 0.5.

2. A presumption pursuant to this section may be rebutted in an appropriate action only by clear and convincing

evidence, except that a presumption under subsection 1 of this section that arises from a blood test or the filing of an acknowledgment of paternity in a state or territory in which the blood test or the filing creates a conclusive presumption by law also has conclusive effect in Missouri. If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing the paternity of the child by another man.

210.826. 1. A child, his natural mother, a man presumed to be his father under [subdivision (1), (2), or (3) of] subsection 1 of section 210.822, a man alleging himself to be a father, **any person having physical or legal custody of a child for a period of more than sixty days** or the division of child support enforcement may bring an action at any time for the purpose of declaring the existence or nonexistence of the father and child relationship presumed under [subdivision (1), (2), or (3) of] subsection 1 of section 210.822.

2. [Any interested party may bring an action at any time for the purpose of determining the existence or nonexistence of the father and child relationship presumed under subdivision (4) of subsection 1 of section 210.822.

3.] An action to determine the existence of the father and child relationship with respect to a child who has no presumed father under section 210.822 may be brought by the child, the mother or the person who has legal custody of the child, **any person having physical or legal custody of a child for a period of more than sixty days**, the division of child support enforcement, the personal representative or a parent of the mother if the mother has died, a man alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor.

[4.] **3.** Regardless of its terms, an agreement, other than an agreement approved by the court in accordance with subsection 2 of section 210.838, between an alleged or presumed father and the mother or child, does not bar an action under this section.

[5.] **4.** If an action under this section is brought before the birth of the child, all proceedings shall be stayed until after the birth, except service of process and the taking of depositions to perpetuate testimony.

210.830. The child shall be made a party to any action commenced under sections 210.817 to 210.852. If he is a minor, he may be represented by a next friend appointed for him for any such action. The child's mother [or father or], the division of child support enforcement **or any person having physical or legal custody of the child** may represent him as his next friend. A guardian ad litem shall be appointed for the child only if child abuse or neglect is alleged, or if the child is named as a defendant, or if the court determines that the interests of the child and his next friend are in conflict. The natural mother, each man presumed to be the father under section 210.822, and each man alleged to be the natural father, shall be made parties or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and an opportunity to be heard. The court may align the parties.

210.844. In a proceeding to determine the existence of the parent and child relationship brought pursuant to the provisions of sections 454.010 to 454.360, RSMo, or pursuant to the provisions of sections 454.850 to 454.997, RSMo, the provisions of sections 210.817, 210.822 and 210.834, RSMo, shall apply, but no other provisions of sections 210.818 through 210.852, RSMo, shall apply."; and

Further amend said bill, Page 20, Section 211.464, Line 1 of said page, by inserting immediately after all of said line the following:

"287.820. 1. Retirement benefits shall be paid to the retired person in equal monthly installments during the remainder of the person's life. The annual amount of benefits paid shall be equal to fifty percent of the highest salary received during the person's period of service.

2. Except as provided in section 104.312, RSMo, any annuity, benefits, funds, property or rights created by, or accruing to, any person under the provisions of sections 287.812 to 287.855 shall not be subject to execution, garnishment, attachment, writ of sequestration, or any other process or claim whatsoever, and shall be unassignable, except [that] **with regard to the collection of child support or maintenance.** Any retired member of the system may request the executive director of the system, in writing, to withhold and pay on the retired member's behalf to the proper person, from each of the retired member's monthly retirement benefit payments, if the payment is large enough, the contribution

due from the retired member to any group providing prepaid hospital care and any group providing prepaid medical and surgical care when such group is composed entirely of members of the system.

3. The executive director of the system shall, when requested in writing by a retired member, withhold and pay over the funds authorized in subsection 2 of this section until such time as the request to do so is revoked by the death or written revocation of the retired member.

4. Beginning January 1, 1989, any person who was employed prior to August 28, 1997, who is receiving or thereafter shall receive retirement benefits pursuant to sections 287.812 to 287.855 upon application to the board of trustees of the Missouri state employees' retirement system shall be made, constituted, appointed, and employed by the board as a special consultant on the problems of retirement, aging and other state matters for the remainder of the person's life. Upon request of the board or the court from which the person retired, the consultant shall give opinions or be available to give opinions in writing or orally in response to such requests. As compensation the consultant shall receive in addition to all other compensation provided by law a percentage increase in compensation each year computed upon the total amount that the consultant received in the previous year from state retirement benefits of eighty percent of the increase in the consumer price index calculated in the manner specified in section 104.415, RSMo. Any such annual increase in compensation, however, shall not exceed five percent, nor be less than four percent. The total increase in compensation pursuant to the provisions of this subsection to each special consultant who also receives benefits pursuant to sections 287.812 to 287.855 shall not exceed sixty-five percent of the initial benefit that the person receives after August 31, 1987. The total increase in compensation pursuant to the provisions of this subsection to each special consultant who also receives benefits pursuant to sections 287.812 to 287.855 shall not exceed sixty-five percent of the initial benefit that the person receives after January 1, 1989.

5. As additional compensation for the services described in subsection 4 of this section, each special consultant shall receive an annual percentage increase in the retirement benefit payable equal to eighty percent of the increase in the consumer price index. Such benefit increase, however, shall not exceed five percent of the retirement benefit payable prior to the increase. The annual benefit increase described in this subsection shall not be effective until the year in which the special consultant reaches the limit on total annual increases provided by subsection 4 of this section. During that year on the anniversary date of the special consultant's retirement, the special consultant shall receive the benefit increase described in subsection 4 of this section or this subsection, whichever is greater. After that year, the special consultant shall receive the annual benefit increase described in this subsection. Any special consultant who reaches the limit on total annual benefit increases provided by subsection 4 of this section prior to October 1, 1996, shall receive the benefit increase described in this subsection on September 1, 1997. Any special consultant who reaches the limit on total annual benefit increases provided by subsection 4 of this section on or after October 1, 1996, but before September 1, 1997, shall receive the benefit increase described in this subsection beginning on the anniversary date of the special consultant's retirement following September 1, 1997. In no event shall any retroactive annual benefit increases be paid under this subsection to any special consultant who reached the limit provided in subsection 4 of this section prior to August 28, 1997.

6. Each person who is employed for the first time as an administrative law judge or a legal advisor on or after August 28, 1997, and retires shall be entitled annually to a percentage increase in the retirement benefit payable equal to eighty percent of the increase in the consumer price index. Such benefit increase, however, shall not exceed five percent of the retirement benefit payable prior to the increase.

7. Survivors of members described in subsection 6 of this section shall be entitled to the annual benefit increase described in subsection 6 of this section.

8. The compensation provided for in this section shall be payable in equal monthly installments and shall be consolidated with any retirement benefits. The compensation shall be paid from the retirement fund. The retirement fund shall be funded on an actuarial basis for such benefits as prescribed in section 287.845.

452.150. The father and mother living apart are entitled to an adjudication [of] **by** the circuit court as to their powers, rights and duties in respect to the custody and control and the services and earnings and management of the property of their unmarried minor children without any preference as between the said father and mother, and neither the father nor

the mother has any right paramount to that of the other in respect to the custody and control or the services and earnings or of the management of the property of their said unmarried minor children; pending such adjudication the father or mother who actually has the custody and control of said unmarried minor children shall have the sole right to the custody and control and to the services and earnings and to the management of the property of said unmarried minor children.

452.310. 1. All proceedings under sections 452.300 to 452.415 are commenced in the manner provided by the rules of the supreme court.

2. The petition in a proceeding for dissolution of marriage or legal separation shall be verified and shall allege the marriage is irretrievably broken and shall set forth:

- (1) The residence of each party and the length of residence in this state;
- (2) The date of the marriage and the place at which it was registered;
- (3) The date on which the parties separated;
- (4) The names, ages, and addresses of any living children of the marriage and whether the wife is pregnant;
- (5) Any arrangements as to the custody and support of the children and the maintenance of a spouse; and
- (6) The relief sought.

3. In listing the names, ages, and addresses of any living children of the marriage, the party filing the petition shall state which party has actual custody of any minor children, and, upon the filing of the petition, all unemancipated, unmarried minor children shall come under the immediate jurisdiction of the court in which the action is filed, unless a petition alleging abuse or neglect of such minor children is pending in the juvenile court. Thereafter, until permitted to do so by order of the court, neither party shall remove such minor children from the jurisdiction of the court [nor from the care and custody of the party which has custody of the children at the time the action is filed]. **The mere fact that one parent has actual custody of the minor children at the time of filing shall not create a preference for the court in its adjudication of custody, visitation and child support.**

4. A party shall submit a proposed parenting plan at the time of filing of a motion to modify or a petition involving custody or visitation issues. A party shall submit a proposed parenting plan when filing the answer in such cases or within thirty days after service of a motion to modify. The proposed parenting plan shall set forth the arrangements that the party believes to be in the best interest of the minor children and shall include but not be limited to:

- (1) A specific written schedule detailing the residential time for each child with each party including:**
 - (a) Major holidays stating which holidays a party has each year;**
 - (b) School holidays for school age children;**
 - (c) The child's birthday, Mother's Day and Father's Day;**
 - (d) Weekday and weekend schedules and for school age children how the winter, spring, summer and other vacations from school will be spent;**
 - (e) The times and places for transfer of the child between the parties in connection with the residential schedule;**
 - (f) A plan for sharing transportation duties associated with the residential schedule;**
 - (g) Appropriate times for telephone access;**

(h) Suggested procedures for notifying the other party when a party requests a temporary variation from the residential schedule;

(i) Any suggested restrictions or limitations on access to a party and the reasons such restrictions are requested;

(2) A specific written plan detailing how the decision-making rights and responsibilities will be shared between the parties including the following:

(a) Educational decisions and methods of communicating information from the school to both parties;

(b) Medical, dental and health care decisions including how health care providers will be selected and a method of communicating medical conditions of the child and how emergency care will be handled;

(c) Extracurricular activities, including a method for determining which activities the child will participate in when those activities involve time during which each party is the custodian;

(d) Child care providers, including how such providers will be selected;

(e) Communication procedures including access to telephone numbers as appropriate;

(f) A dispute resolution procedure for those matters on which the parties disagree or in interpreting the parenting plan;

(g) If a party suggests no shared decision-making, a statement of the reasons for such a request;

(3) How the expenses of the child, including child care, educational and extraordinary expenses as defined in the child support guidelines established by the supreme court, will be paid including:

(a) The suggested amount of child support to be paid by each party;

(b) The party who will maintain or provide health insurance for the child and how the medical, dental, vision, psychological and other health care expenses of the child not paid by insurance will be paid by the parties;

(c) The payment of educational expenses, if any;

(d) The payment of extraordinary expenses of the child, if any;

(e) Child care expenses, if any;

(f) Transportation expenses, if any.

5. If the proposed temporary parenting plans of the parties differ and the parties cannot resolve the differences or if any party fails to file a proposed parenting plan, upon motion of either party and an opportunity for the parties to be heard, the court shall enter a temporary order with a specific residential schedule and specific decision-making authority as well as temporary orders for child support and health insurance for the child which will remain in effect until further order of the court. The temporary order entered by the court shall not create a preference for the court in its adjudication of final custody, child support or visitation.

[4.] 6. The other party must be served in the manner provided by the rules of civil procedure and applicable court rules and may within thirty days after the date of service file a verified answer.

[5.] 7. Previously existing defenses to divorce and legal separation, including but not limited to condonation, connivance, collusion, recrimination, insanity, and lapse of time, are abolished.

452.340. 1. In a proceeding for dissolution of marriage, legal separation or child support, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for [his] the

support **of the child**, including an award retroactive to the date of filing the petition, without regard to marital misconduct, after considering all relevant factors including:

- (1) The financial needs and resources of the child;
- (2) The financial resources and needs of the parents;
- (3) The standard of living the child would have enjoyed had the marriage not been dissolved;
- (4) The physical and emotional condition of the child, and the child's educational needs, **including the amount of time the child spends with each parent and the reasonable expenses associated with the custody or visitation arrangements**; [and]
- (5) The child's physical and legal custody arrangements; **and**
- (6) The reasonable work-related child care expenses of each parent.

2. The obligation of the parent ordered to make support payments shall abate, in whole or in part, for such periods of time in excess of thirty consecutive days that the other parent has voluntarily relinquished physical custody of a child to the parent ordered to pay child support, notwithstanding any periods of visitation or temporary physical and legal or physical or legal custody pursuant to a judgment of dissolution or legal separation or any modification thereof. In a IV-D case, the division of child support enforcement may determine the amount of the abatement under this subsection for any child support order. In such cases, upon notification by the division, the circuit clerk shall record the amount of abatement on the child support trusteeship record established pursuant to this chapter and chapter 454, RSMo.

3. Unless the circumstances of the child manifestly dictate otherwise and the court specifically so provides, the obligation of a parent to make child support payments shall terminate when the child:

- (1) Dies;
- (2) Marries;
- (3) Enters active duty in the military;
- (4) Becomes self-supporting, provided that the custodial parent has relinquished the child from parental control by express or implied consent; or
- (5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply.

4. If the child is physically or mentally incapacitated from supporting himself and insolvent and unmarried, the court may extend the parental support obligation past the child's eighteenth birthday.

5. If when a child reaches age eighteen, [he] **the child** is enrolled in and attending a secondary school program of instruction, the parental support obligation shall continue, if the child continues to attend **and** progresses toward completion of said program, until the child completes such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an institution of vocational or higher education not later than October first following graduation from a secondary school or completion of a graduation equivalence degree **program** and so long as the child enrolls for and completes at least twelve hours of credit each [term] **semester, not including the summer semester**, at an institution of vocational or higher education and achieves grades sufficient to re-enroll at such institution, the parental support obligation shall continue until the child completes his **or her** education, or until the child reaches the age of twenty-two, whichever first occurs. To remain eligible for such continued parental support, **at the beginning of each semester** the child shall submit to each parent a transcript **or similar official document** provided by the institution of vocational or higher education which includes the courses the child is enrolled in and has completed for each term, the grades and credits received for each such course, and the courses which the child is enrolled in for the upcoming term and the number of credits for each such course. If the circumstances of the child manifestly dictate, the court may

waive the October first deadline for enrollment required by this subsection. If the child is enrolled in such an institution, the child or obligated parent may petition the court to amend the order to direct the obligated parent to make the payments directly to the child. As used in this section, an "institution of vocational education" means any postsecondary training or schooling for which the student is assessed a fee and attends classes regularly. "Higher education" means any junior college, college, or university at which the child attends classes regularly. **A child who has been diagnosed with a learning disability, or whose physical disability or diagnosed health problem limits the child's ability to carry the number of credit hours prescribed in this subsection, shall remain eligible for child support so long as such child is enrolled in and attending an institution of vocational or higher education, and the child continues to meet the other requirements of this subsection. A child who is employed at least fifteen hours per week during the semester may take as few as nine credit hours per semester and remain eligible for child support so long as all other requirements of this subsection are complied with.**

6. [At the parent's option, a parent may pay one-half of the college room, board, tuition, mandatory fees and book expenses of the child as a credit reduction in the amount of child support during the months when a child attends school, if such child is enrolled as a full-time student and living away from the family residence for a majority of the school year, unless provisions for payment of college expenses are specified in the parenting plan or court order; except that, if such payment of college expenses is less than the court-ordered child support, the parent shall pay the difference between such college expenses and the court-ordered payment as provided in the court order.] **The court shall consider ordering a parent to waive the right to claim the tax dependency exemption for a child enrolled in an institution of vocational or higher education in favor of the other parent if the application of state and federal tax laws and eligibility for financial aid will make an award of the exemption to the other parent appropriate.**

7. The general assembly finds and declares that it is the public policy of this state [to assure that the best interest of the child is] **that frequent, continuing and meaningful contact with both parents after the parents have separated or dissolved their marriage is in the best interest of the child** except for cases where the court specifically finds that such contact is not in the best interest of the child. In order to effectuate this public policy, a court with jurisdiction shall enforce visitation, custody and child support orders in the same manner. A court with jurisdiction may abate, in whole or in part, any **past or** future obligation of support and may transfer the physical and legal or physical or legal custody of one or more children if it finds that a parent has, without good cause, failed to provide visitation or physical and legal or physical or legal custody to the other parent pursuant to the terms of a judgment of dissolution, legal separation or modifications thereof. The court [may] **shall also award, if requested and for good cause shown,** reasonable expenses, attorney's fees and court costs incurred by the prevailing party.

8. Not later than October 13, 1989, the Missouri supreme court shall have in effect a rule establishing guidelines by which any award of child support shall be made in any judicial or administrative proceeding. Said guidelines shall contain specific, descriptive and numeric criteria which will result in a computation of the support obligation. By July 1, 1996, the guidelines shall address how the amount of child support shall be calculated when an award of joint physical custody results in the child or children spending substantially equal time with both parents. Not later than July 1, 1998, the child support guidelines shall be published by the supreme court and specifically list and explain the relevant factors and assumptions that were used to calculate the child support guidelines. Any rule made pursuant to this subsection shall be reviewed by the promulgating body not less than once every three years to ensure that its application results in the determination of appropriate child support award amounts.

9. [Beginning October 13, 1989,] There shall be a rebuttable presumption, in any judicial or administrative proceeding for the award of child support, that the amount of the award which would result from the application of the guidelines established pursuant to subsection 8 of this section is the correct amount of child support to be awarded. A written finding or specific finding on the record in a judicial or administrative proceeding that the application of the guidelines would be unjust or inappropriate in a particular case, after considering all relevant factors, including the factors set out in subsection 1 of this section, is required if requested by a party and shall be sufficient to rebut the presumption in the case. The written finding or specific finding on the record shall detail the specific relevant factors that required a deviation from the application of the guidelines.

10. Under this or any other chapter, when a court determines the amount owed by a parent for support provided to [his] **a child by another person prior to the date of filing of a petition requesting support, or when the director of the division**

of child support enforcement establishes the amount of state debt due under subdivision (2) of subsection 1 of section 454.465, RSMo, the court or director shall use the guidelines established under subsection 8 of this section. The amount of child support resulting from the application of the guidelines shall be applied retroactively for a period prior to the establishment of a support order and the length of the period of retroactivity shall be left to the discretion of the court or director. There shall be a rebuttable presumption that the amount resulting from application of the guidelines under subsection 8 of this section constitutes the amount owed by the parent for the period prior to the date of the filing of the petition for support or the period for which state debt is being established. In applying the guidelines to determine a retroactive support amount, when information as to average monthly income is available, the court or director may use the average monthly income of the noncustodial parent, as averaged over the period of retroactivity, in determining the amount of presumed child support owed for the period of retroactivity. The court or director may enter a different amount in a particular case upon finding, after consideration of all relevant factors, including the factors set out in subsection 1 of this section, that there is sufficient cause to rebut the presumed amount.

452.355. 1. **Unless otherwise indicated**, the court from time to time after considering all relevant factors including the financial resources of both parties, **the merits of the case and the actions of the parties during the pendency of the action**, may order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding under sections 452.300 to 452.415 and for attorney's fees, including sums for legal services rendered and costs incurred prior to the commencement of the proceeding or after entry of judgment. The court may order that the amount be paid directly to the attorney, who may enforce the order in his name.

2. In any proceeding in which the nonpayment of child support is an issue under the provisions of a temporary or permanent court order or decree, if the court finds that the obligor has failed[, without good cause,] to comply with such order or decree to pay the child support, the court shall order the obligor to pay a reasonable amount for the cost of the suit to the obligee, including sums for legal services. The court may order **for good cause shown** that the amount be paid directly to the attorney, who may enforce the order in his name.

3. For purposes of this section, an "obligor" is a person owing a duty of support and an "obligee" is a person to whom a duty of support is owed.

4. For purposes of this section, "good cause" includes any substantial reason why the defendant is unable to pay the child support as ordered. Good cause does not exist if the defendant purposely maintains his inability to pay.

452.373. 1. **In cases involving custody or visitation issues, the court may, except for good cause shown or as provided in subsection 2 of this section, order the parties to the action to participate in an alternate dispute resolution program pursuant to supreme court rule to resolve any issues in dispute or may set a hearing in the matter. As used in this section, "good cause" includes, but is not limited to, noncontested custody or visitation cases, or a prior finding of domestic violence as determined by a court with jurisdiction after all parties have received notice and an opportunity to be heard, but does not mean the absence of qualified mediators.**

2. Any alternate dispute resolution program ordered by the court pursuant to subsection 1 of this section shall:

(1) Be paid for by the parties in a proportion to be determined by the court, the cost of which shall be reasonable and customary for the circuit in which the program is ordered;

(2) Not be binding on the parties;

(3) Not be ordered or used for contempt proceedings, for enforcement of existing custody or visitation orders which are unambiguous or which designate specific times or specific periods, or for a motion for a family access order pursuant to section 452.400; and

(4) Not be ordered or utilized for child support issues.

3. Within sixty days after the effective date of this section, the Missouri supreme court shall publish a rule allowing, but not requiring, each circuit to establish an alternate dispute resolution program for contested custody and visitation proceedings within six months of the adoption of the supreme court rule.

452.375. 1. As used in this [section] **chapter**, unless the context clearly indicates otherwise:

(1) "Custody", depending on the context, means joint legal custody, legal custody, joint physical custody or physical custody or any combination thereof;

[(1)] **(2)** "Joint legal custody" means that the parents share the decision-making rights, responsibilities, and authority relating to the health, education and welfare of the child, and, unless allocated, apportioned, or decreed, the parents shall confer with one another in the exercise of decision-making rights, responsibilities, and authority;

[(2)] **(3)** "Joint physical custody" means an order awarding each of the parents significant, **but not necessarily equal**, periods of time during which a child resides with or is under the care and supervision of each of the parents. Joint physical custody shall be shared by the parents in such a way as to assure the child of frequent [and], continuing **and meaningful** contact with both parents.

2. The court shall determine custody in accordance with the best interests of the child. The court shall consider all relevant factors including:

(1) The wishes of the child's parents as to [his] custody[;

(2) The wishes of a child as to his custodian] **and the proposed parenting plans submitted by both parties;**

[(3)] **(2)** The interaction and interrelationship of the child with [his] parents, [his] siblings, and any other person who may significantly affect the child's best interests;

[(4)] **(3)** The child's adjustment to [his] **the child's** home, school, and community;

[(5)] **(4)** The mental and physical health of all individuals involved, including any history of abuse of any individuals involved. If the court finds that a pattern of domestic violence has occurred, and, if the court also finds that awarding custody to the abusive parent is in the best interest of the child, then the court shall enter written findings of fact and conclusions of law. Custody and visitation rights shall be ordered in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence from any further harm;

[(6)] **(5)** The needs of the child for a continuing relationship with both parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child;

[(7)] **(6)** The intention of either parent to relocate [his] **the principal residence of the child** [outside the state]; [and]

[(8)] **(7)** Which parent is more likely to allow the child frequent, **continuing** and meaningful contact with the other parent; **and**

(8) The wishes of a child as to the child's custodian.

3. The court shall not award custody of a child to a parent if such parent has been found guilty of, or pled guilty to, a felony violation of chapter 566, RSMo, when the child was the victim, or a violation of section 568.020, RSMo, when the child was the victim.

4. The general assembly finds and declares that it is the public policy of this state [to assure children] **that** frequent, **continuing** and meaningful contact with both parents after the parents have separated or dissolved their marriage **is in the best interest of the child, except for cases where the court specifically finds that such contact is not in the best interest of the child**, and that it is in the public interest to encourage parents to share decision-making rights and responsibilities of child rearing. In order to effectuate this policy, the court shall determine the custody arrangement which will best assure that parents share such decision-making responsibility and authority and such frequent, **continuing** and meaningful contact between the child and each parent, as is indicated in the best interests of the child under all relevant circumstances.

5. Prior to awarding the appropriate custody arrangement in the best interest of the child, the court shall consider [each of the following as follows] **custody awards in the order of preference listed in subdivisions (1) to (5) of this subsection, except where there are no custody issues in dispute. The burden of coming forward with evidence that a particular custodial arrangement is not in the best interest of the child shall be upon the parent opposing such an award. In the event the court finds that a preferred custodial arrangement is not in the child's best interest and upon the request of a party, the court shall enter a written finding detailing the specific relevant factors that made such an arrangement not in the child's best interest and shall specify the custodial arrangement which the court finds is in the child's best interest. The order of preference shall be:**

(1) Joint **physical and joint legal** custody to both parents, which shall not be denied solely for the reason that one parent opposes a joint **physical and joint legal** custody award. **The residence of one of the parents shall be designated as the mailing address of the child;**

(2) **Joint physical custody with one party granted sole legal custody. The residence of one of the parents shall be designated as the mailing address of the child;**

(3) **Joint legal custody with one party granted sole physical custody;**

(4) Sole custody to either parent; or

[(3)] (5) Third party custody or visitation:

(a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian, or the welfare of the child requires, and it is in the best interests of the child, then custody, temporary custody or visitation may be awarded to any other person or persons deemed by the court to be suitable and able to provide an adequate and stable environment for the child. Before the court awards custody, temporary custody or visitation to a third person under this subdivision, the court shall make that person a party to the action;

(b) Under the provisions of this subsection, any person may petition the court to intervene as a party in interest at any time as provided by supreme court rule.

6. Unless otherwise decreed, parents are obligated to exchange information with one another concerning the health, education and welfare of the child. In a decree of sole **legal** custody, [a court may provide that parents] **unless the court specifically declares otherwise, the legal custodian** shall [confer with one another in the exercise of decision-making rights, responsibilities and authority] **discuss with the other parent any significant decision affecting the health, education or welfare of the child.** Upon a finding by the court that either parent has refused to exchange information with one another, which shall include but not be limited to the health, education and welfare of the child, the court shall order the parent to comply immediately and to pay the prevailing party a sum equal to the prevailing party's cost associated with obtaining the requested information, which shall include but not be limited to attorney's fees and court costs.

7. As between the parents of a child, no preference may be given to either parent in the awarding of custody because of that parent's age, sex, or financial status, nor because of the age or sex of the child.

8. Any decree providing for joint custody shall include a specific written plan setting forth the terms of such custody. Such plan may be suggested by both parents acting in concert, or one parent acting individually, or if neither of the foregoing occurs, the plan shall be provided by the court. The plan may include a provision for mediation of disputes. In all cases, the joint custody plan approved and ordered by the court shall be in the court's discretion **and shall be in the best interest of the child.**

9. Unless [a noncustodial] a parent has been denied **custody rights under section 452.375 or** visitation rights under section 452.400, **any judgment or decree of dissolution or other applicable court order shall, after August 28, 1998, specifically allow both parents** access to records and information pertaining to a minor child, including, but not limited to, medical, dental, and school records[, shall not be denied to a parent because the parent is not the child's custodial parent]. If [a noncustodial] **the parent without custody** has been granted restricted or supervised visitation

because the court has found that the [custodial] parent **with custody** or the child has been the victim of domestic violence, as defined in section 455.200, RSMo, by the [noncustodial] parent **without custody**, the court may order that the reports and records made available pursuant to this subsection not include the address of the [custodial] parent **with custody** or the child.

10. If any individual, professional, public or private institution or organization denies access or fails to provide or disclose any and all records and information, including, but not limited to, past and present dental, medical and school records pertaining to a minor child, to either [the custodial or noncustodial] parent upon the written request of such parent, the court shall, upon its finding that the individual, professional, public or private institution or organization denied such request without good cause, order that party to comply immediately with such request and to pay to the prevailing party all costs incurred, including, but not limited to, attorney's fees and court costs associated with obtaining the requested information.

11. An award of joint custody does not preclude an award of child support pursuant to section 452.340 **and applicable supreme court rules**. The court shall consider the factors contained in section 452.340 **and applicable supreme court rules** in determining an amount reasonable or necessary for the support of the child.

12. If the court finds that domestic violence has occurred, the court shall make specific findings of fact to show that the custody or visitation arrangement ordered by the court best protects the child and the parent or other family or household member who is the victim of domestic violence from any further harm.

452.377. 1. For purposes of this section and section 452.375, "relocate" or "relocation" means a change in the principal residence of a child for a period of ninety days or more, but does not include a temporary absence from the principal residence.

2. The residence of the child or any party entitled to custody or visitation of the child shall not be changed without first providing written notice by certified mail, return receipt requested, to any party with custody or visitation rights. Absent exigent circumstances as determined by a court with jurisdiction, written notice shall be provided at least sixty days in advance of the proposed relocation. The notice of the proposed relocation shall include the following information:

- (1) The intended new residence, including the specific address and mailing address, if known, and if not known, the city;
- (2) The home telephone number of the new residence, if known;
- (3) The date of the intended move or proposed relocation;
- (4) A brief statement of the specific reasons for the proposed relocation of a child, if applicable; and
- (5) A proposal for a revised schedule of custody or visitation with the child, if applicable.

3. A [person] party entitled to the custody of a child shall not [change] **relocate** the **principal** residence of the child to another state, or remove the child from this state for a period of time exceeding ninety days, **or relocate the principal residence of the child more than fifty miles from the current principal residence of the child** except upon order of the court or with the written consent of the parties with custody or visitation rights. Where [the noncustodial person] a party has been given **custody or** visitation rights by the custody decree, such court permission may be granted only after notice to the [person] party having **custody or** visitation rights and after opportunity for hearing.

4. A party required to give notice of a proposed relocation pursuant to subsection 2 of this section has a continuing duty to provide a change in or addition to the information required by this section as soon as such information becomes known.

5. In exceptional circumstances where the court makes a finding that the health or safety of any adult or child would be unreasonably placed at risk by the disclosure of the required identifying information concerning a

proposed relocation of the child, the court may order that:

- (1) The specific residence address and telephone number of the child, parent or person, and other identifying information shall not be disclosed in the pleadings, notice, other documents filed in the proceeding or the final order except for an in cameral disclosure;**
- (2) The notice requirements provided by this section shall be waived to the extent necessary to protect the health or safety of a child or any adult; or**
- (3) Any other remedial action the court considers necessary to facilitate the legitimate needs of the parties and the best interest of the child.**

6. The court shall consider a failure to provide notice of a proposed relocation of a child as:

- (1) A factor in determining whether custody and visitation should be modified;**
- (2) A basis for ordering the return of the child if the relocation occurs without notice; and**
- (3) Sufficient cause to order the party seeking to relocate the child to pay reasonable expenses and attorneys fees incurred by the party objecting to the relocation.**

7. If the parties agree to a revised schedule of custody or visitation, they may submit the terms of such agreement to the court with a written affidavit signed by the parties assenting to the terms of the agreement and the court may order the revised schedule without a hearing.

8. The party seeking to relocate shall have the burden of proving that the proposed relocation is made in good faith and is in the best interest of the child.

9. If relocation is permitted:

- (1) The court shall order contact with the nonrelocating party including custody or visitation and telephone access sufficient to assure that the child has frequent, continuing and meaningful contact with the nonrelocating party unless the child's best interest warrant otherwise; and**
- (2) The court shall specify how the transportation costs will be allocated between the parties and adjust the child support, as appropriate, considering the costs of transportation.**

10. After August 28, 1998, every court order establishing or modifying custody or visitation shall include the following language: "Absent exigent circumstances as determined by a court with jurisdiction, you, as a party to this action, are ordered to notify, in writing by certified mail, return receipt requested, and at least sixty days prior to the proposed relocation, each party to this action of any proposed relocation of the principal residence of the child, including the following information:

- (1) The intended new residence, including the specific address and mailing address, if known, and if not known, the city;**
- (2) The home telephone number of the new residence, if known;**
- (3) The date of the intended move or proposed relocation;**
- (4) A brief statement of the specific reasons for the proposed relocation of the child; and**
- (5) A proposal for a revised schedule of custody or visitation with the child.**

Your obligation to provide this information to each party continues as long as you or any other party by virtue of this order is entitled to custody of a child covered by this order. Your failure to obey the order of this court

regarding the proposed relocation may result in further litigation to enforce such order, including contempt of court. In addition, your failure to notify a party of a relocation of the child may be considered in a proceeding to modify custody or visitation with the child. Reasonable costs and attorney fees shall be assessed against you if you fail to give the required notice."

11. Violation of the provisions of this section or a court order under this section may be deemed a change of circumstance under section 452.410, allowing the court to modify the prior custody decree. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

12. Any party who objects in good faith to the relocation of a child's principle residence shall not be ordered to pay the costs and attorney's fees of the party seeking to relocate.

452.400. 1. A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical health or impair his emotional development. [The court shall define the noncustodial parent's visitation periods in detail at the request of either party.] **The court shall enter an order specifically detailing the visitation rights of the parent without physical custody rights.** In determining the granting of visitation rights, the court shall consider evidence of domestic violence. If the court finds that domestic violence has occurred, the court may find that granting visitation to the abusive party is in the best interests of the child. The court shall not grant visitation to the parent not granted custody if such parent has been found guilty of or pled guilty to a felony violation of chapter 566, RSMo, when the child was the victim, or a violation of section 568.020, RSMo, when the child was the victim **or an offense committed in another state, when the child is the victim, that would be a felony violation of chapter 566, RSMo, or section 568.020, RSMo, if committed in Missouri.** The court shall consider the parent's history of inflicting, or tendency to inflict, physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on other persons and shall grant visitation in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence from any further harm. The court, **if requested by a party,** shall make specific findings of fact to show that the visitation arrangements made by the court best protects the child or the parent or other family or household member who is the victim of domestic violence from any further harm.

2. The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical health or impair his emotional development. When a court restricts a parent's visitation rights or when a court orders supervised visitation because of allegations of abuse or domestic violence, a showing of proof of treatment and rehabilitation shall be made to the court before unsupervised visitation may be ordered. "Supervised visitation", as used in this section, is visitation which takes place in the presence of a responsible adult appointed by the court for the protection of the child.

3. The court shall mandate compliance with its order by both [the custodial parent] **parents** and the child. [In the event of noncompliance,] **If a parent has been granted specific or unambiguous visitation or custody rights, and such specific or unambiguous rights are denied or interfered with by the other parent, without good cause,** the [noncustodial] parent **having specific or unambiguous visitation or custody rights** may file a motion for contempt[.] **or a motion for a family access order.**

4. By January 1, 1999, the state courts administrator shall develop a simplified form and instructions for use by persons filing pro se motions for family access orders pursuant to this section. The cost of filing the motion shall be the standard court costs plus a fee not to exceed twenty-five dollars. Motions for family access orders pursuant to this section shall be summarily heard, except as otherwise provided by this section, in the manner provided by sections 517.021 to 517.151, RSMo, by judges of the circuit court or by any commissioner of the circuit court authorized to hear such motions for family access orders. No continuance of a hearing relating to such a motion for a family access order shall be granted by the court except for extraordinary cause. Final disposition of the motion shall take place not more than forty-five days after service of such motion, except for good cause shown as determined by the court or by waiver of the parties. Final disposition shall not include appellate review.

5. Upon a finding by the court that its order for visitation or custody has not been complied with, without good cause,

the court shall [define the noncustodial parent's visitation in detail and shall exercise its discretion in providing] **provide** a remedy, which shall include, but not be limited to, a compensatory period of visitation or [temporary] custody at a time convenient for the [noncustodial] parent **denied visitation or custody** not less than the period of time denied, [together with] **and, if requested by a party and for good cause shown, a mandatory** judgment in an amount not less than the reasonable expenses **and court costs actually** incurred by the [noncustodial] parent as a result of **the denial of visitation or custody. Such order may include a provision that the sheriff or other law enforcement officer shall enforce the rights of either parent to custody or visitation, as the case may be, unless the court issues a subsequent order pursuant to chapters 210 or 211, RSMo, to limit or deny either parent's access to the child.**

[4.] **6. The reasonable expenses, attorney's fees and court costs actually incurred as a result of a proceeding to enforce visitation or custody rights shall, if requested by a party and for good cause shown, be assessed against the parent who [unreasonably], without good cause, denies or interferes with visitation or custody.** In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court.

7. The intentional denial or interference with visitation or custody of a child from the other parent, without good cause, shall constitute a change of circumstances which may justify a modification of custody.

8. For purposes of supreme court rule 51, motions filed pursuant to this section shall not be deemed to be an independent civil action if the judge or commissioner designated to rule on the motion is the same judge or commissioner that entered the order which is the subject of a motion for a family access order or contempt."; and

Further amend said bill, Page 21, Section 452.402, Line 20 of said page, by inserting immediately after all of said line the following:

"452.405. 1. Except as otherwise **ordered by the court or** agreed by the parties in writing at the time of the custody decree, the **legal** custodian may determine the child's upbringing, including his education, health care, and religious training, unless the court after hearing[,] finds, upon motion by the [noncustodial] parent **without legal custody**, that in the absence of a specific limitation of the **legal** custodian's authority the child's physical health would be endangered or his emotional development impaired.

2. The legal custodian shall not exercise legal custody in such a way as to significantly and detrimentally impact the other parent's visitation or custody rights.

[2.] **3. The court may order the county welfare office or the county juvenile officer to exercise continuing supervision over the case.**

452.411. If either parent of a child changes his residence to another state, such change of residence of the parent shall be deemed a change of circumstances under section 452.410, allowing the court to modify a prior **visitation or** custody decree.

452.416. 1. Notwithstanding any other provision of law to the contrary, whenever a parent in emergency military service has a change in income due to such military service, such change in income shall be considered a change in circumstances so substantial and continuing as to make the terms of any order or judgment for child support or visitation unreasonable.

2. Upon receipt of a notarized letter from the commanding officer of a noncustodial parent in emergency military service which contains the date of the commencement of emergency military service and the compensation of the parent in emergency military service, the director of the division of child support enforcement shall take appropriate action to seek modification of the order or judgment of child support in accordance with the guidelines and criteria set forth in **section 452.340 and applicable** supreme court [rule 88.01] **rules.** Such notification to the director shall constitute an application for services under section 454.425, RSMo.

3. Upon return from emergency military service the parent shall notify the director of the division of child support enforcement who shall take appropriate action to seek modification of the order or judgment of child support in accordance with the guidelines and criteria set forth in **section 452.340 and applicable** supreme court [rule 88.01]

rules. Such notification to the director shall constitute an application for services under section 454.425, RSMo.

4. As used in this section, the term "emergency military service" means that the parent is a member of a reserve unit or national guard unit which is called into active military duty for a period of more than thirty days.

452.423. 1. In all proceedings for child custody or for dissolution of marriage or legal separation where custody, visitation, or support of a child is a contested issue, the court may appoint a guardian ad litem. The court shall appoint a guardian ad litem in any proceeding in which child abuse or neglect is alleged. **Disqualification of a guardian ad litem shall be ordered upon the filing of a written application by any party within ten days of appointment, or at least ten days before trial if the appointment occurs prior to the effective date of this act. Each party shall be entitled to one disqualification of a guardian ad litem in each proceeding, except a party may be entitled to more than one disqualification of a guardian ad litem for good cause shown.**

2. The guardian ad litem shall:

(1) Be the legal representative of the child at the hearing, and may examine, cross-examine, subpoena witnesses and offer testimony;

(2) Prior to the hearing, conduct all necessary interviews with persons having contact with or knowledge of the child in order to ascertain the child's wishes, feelings, attachments and attitudes. If appropriate, the child should be interviewed;

(3) Request the juvenile officer to cause a petition to be filed in the juvenile division of the circuit court if the guardian ad litem believes the child alleged to be abused or neglected is in danger.

3. The appointing judge shall require the guardian ad litem to faithfully discharge such guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and appoint another. The judge in making appointments pursuant to this section shall give preference to persons who served as guardian ad litem for the child in the earlier proceeding, unless there is a reason on the record for not giving such preference.

4. The guardian ad litem shall be awarded a reasonable fee for such services to be set by the court. The court, in its discretion, may award such fees as a judgment to be paid by any party to the proceedings or from public funds. Such an award of guardian fees shall constitute a final judgment in favor of the guardian ad litem. Such final judgment shall be enforceable against the parties in accordance with chapter 513, RSMo.

5. The court may designate volunteer advocates, who may or may not be attorneys licensed to practice law, to assist in the performance of the guardian ad litem duties for the court. The volunteer advocate shall be provided with all reports relevant to the case made to or by any agency or person and shall have access to all records of such agencies or persons relating to the child or such child's family members. Any such designated person shall receive no compensation from public funds. This shall not preclude reimbursement for reasonable expenses.

452.490. 1. The court may order any party to the proceeding who is in this state to appear personally before the court. If the court finds the physical presence of the child in court to be in the best interests of the child, the court may order that the party who has physical custody of the child appear personally with the child.

2. If a party to the proceeding whose presence is desired by the court is outside this state, with or without the child, the court may order that the notice given under section 452.460 include a statement directing that party to appear personally with or without the child.

3. If a party to the proceeding who is outside this state is directed to appear under subsection [2] 1 of this section or desires to appear personally before the court with or without the child, the court may require another party to pay to the clerk of the court travel and other necessary expenses of the party so appearing and of the child, if this is just and proper under the circumstances.

4. If the court finds it to be in the best interest of the child that a guardian ad litem be appointed, the court may appoint a guardian ad litem for the child. The guardian ad litem so appointed shall be an attorney licensed to practice law in the

state of Missouri. **Disqualification of a guardian ad litem shall be ordered upon the filing of a written application by any party within ten days of appointment, or at least ten days before trial if the appointment occurs prior to the effective date of this act. Each party shall be entitled to one disqualification of a guardian ad litem in each proceeding, except a party may be entitled to more than one disqualification of a guardian ad litem for good cause shown.** The guardian ad litem may, for the purpose of determining custody of the child only, participate in the proceedings as if such guardian ad litem were a party. The court shall enter judgment allowing a reasonable fee to the guardian ad litem.

452.600. The circuit courts [of the fifth, sixth, twenty-third, twenty-ninth, thirtieth, thirty-first and thirty-eighth judicial circuits], by local rule, may establish a program of educational sessions for parties to actions for dissolution of marriage or in postjudgment proceedings involving custody or support, concerning the effects of dissolution of marriage on minor children of the marriage. In lieu of establishing such a program, the circuit court may, by local rule, designate a similar program of educational sessions offered by a private or public entity.

452.605. In an action for dissolution of marriage involving minor children, or in a postjudgment proceeding wherein custody [or support] of minor children is to be determined by the court, the court may [on its own motion], **except for good cause**, order the parties, including the minor children, to attend educational sessions concerning the effects of **custody and the** dissolution of marriage on children[, if the court finds that doing so would be in the best interests of the minor children]. **As used in this section "good cause" includes, but is not limited to, situations where the parties have stipulated to the custody and visitation of the child, or a finding by a court with jurisdiction after all parties have received notice and an opportunity to be heard that the safety of a party or child may be endangered by attending the educational sessions."**; and

Further amend said bill, Page 43, Section 453.170, Line 23 of said page, by inserting immediately after all of said line the following:

"454.390. The division shall [respond within five business days to] **use high-volume automated administrative enforcement, to the same extent as used in intrastate cases, in response to** a request made by another state child support agency to enforce a support order **and promptly report the results to the requesting state.** If the division provides assistance to another state in such a case, neither this state nor the requesting state shall consider the case to be transferred to its caseload; however, the division shall maintain records of the number of such interstate requests for assistance, the number of cases for which support was collected and the amounts of such collections. The division is authorized to transmit to another state, by electronic or other means, a request for assistance in a case involving the enforcement of a support order. Such request shall:

(1) Include information to enable the receiving state to compare the information about the case to the information in state databases; and

(2) Constitute a certification by the division of the arrearage amount under the order and that the division has complied with all applicable procedural due process requirements as provided for in this chapter.

454.408. The division of child support enforcement:

(1) Shall determine whether a person who has applied for or is receiving assistance from a program funded pursuant to Part A or **Part E of Title IV of the Social Security Act**, [or] Title XIX of the Social Security Act **or the Food Stamp Act** is cooperating in good faith with the division in establishing the paternity of, or in establishing, modifying or enforcing a support order for any child of such person by providing the division with the name of the noncustodial parent or any other information the division may require. The division may, by regulation, excuse compliance with the provisions of this subsection on a case-by-case basis for good cause or other exceptions as the division may deem to be in the best interest of the child;

(2) Shall require as a condition of cooperation that such person supply additional information deemed necessary by the division and appear at any interviews, hearings or legal proceedings;

(3) Shall require as a condition of cooperation that such person and such person's child submit to genetic testing

pursuant to a judicial or administrative order;

(4) May request that such person sign a voluntary acknowledgment of paternity, after notice of the rights and consequences of such an acknowledgment, but may not require such person to sign an acknowledgment or otherwise relinquish the right to a genetic test as a condition of cooperation and eligibility for assistance from a state program funded pursuant to Part A **or Part E** of Title IV **of the Social Security Act**, [or] Title XIX of the Social Security Act **or the Food Stamp Act**; and

(5) Shall promptly notify such person, the division of family services or the division of medical services of every determination made pursuant to this section, including a determination that such person is not cooperative and the basis for such determination.

454.413. 1. Each party to a paternity or child support proceeding establishing, modifying or enforcing a support order pursuant to chapter 210, RSMo, chapter 211, RSMo, chapter 452, RSMo, or chapter 454, shall file with the [court or division where such proceeding is pending, and with the court or division for the] state case registry upon entry of an order, information on the location and identity of such party including the party's social security number, residential address, mailing address, telephone number, driver's license number and the name, address and telephone number of the party's employer. If such information changes, such party shall provide the new information to the [court or division] **state case registry** within thirty days of any such change.

2. In any subsequent child support enforcement action between the parties, the court or division [may] **shall** deem that the due process requirements for notice and service of process are met with respect to such party upon a sufficient showing that diligent effort has been made to ascertain the location of a party **including written notice by certified mail to the last known address of the party and attempted service by publication**, and written notice has been delivered to the most recent residential or employer address of such party filed with the [court or division] **state case registry**.

454.432. 1. The circuit clerk shall record credits on child support trusteeship records established pursuant to this chapter or chapter 452, RSMo, for amounts not received by the clerk only to the extent permitted by this section.

2. Credits allowed under this section shall include, but not be limited to, in-kind payments as provided in this section, amounts collected from an obligor from federal and state income tax refunds, state lottery payments, social security payments, unemployment and workers' compensation benefits, income withholdings authorized by law, liens, garnishment actions, and any other amounts required to be credited by statute or case law.

3. Credits shall be recorded on the trusteeship record for payments received by the division of child support enforcement and, at the discretion of the division of child support enforcement, and upon receipt of waivers requested pursuant to subsection 4 of this section, credits may be given on state debt judgments obtained pursuant to subsection 1 of section 454.465 for completion of such activities as job training and education, if mutually agreed upon by the division and the obligor. The circuit clerk shall make such credits upon receipt of paper or electronic documentation of the amount of the credit from the division and verification of the authenticity of the documentation by the circuit clerk.

4. The director of the department of social services shall apply to the United States Secretary of Health and Human Services for all waivers of requirements under federal law necessary to implement the provisions of subsection 3 of this section.

5. Credits shall be entered on the trusteeship record for direct and in-kind payments received by the custodial parent when [all parties to the support order file] **the custodial parent files** an affidavit stating the particulars of the direct and in-kind payments to be credited on the court record with the circuit clerk; however, no such credits shall be entered for periods during which child support payments are assigned to the state pursuant to law. Such credits may include, but shall not be limited to, partial and complete satisfaction of judgment for support arrearages.

6. Nothing contained in this section shall prohibit satisfaction of judgment as provided for in sections 511.570 to 511.620, RSMo, and by supreme court rule.

7. Application for the federal earned income tax credit shall, when applicable, be required as a condition of participating in the alternative child support credit programs of subsection 3 of this section.

454.440. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

- (1) "Business" includes any corporation, partnership, association, individual, and labor or other organization including, but not limited to, a public utility or cable company;
- (2) "Division", the Missouri division of child support enforcement of the department of social services;
- (3) "Financial entity" includes any bank, trust company, savings and loan association, credit union, insurance company, or any corporation, association, partnership, or individual receiving or accepting money or its equivalent on deposit as a business;
- (4) "Government agency", any department, board, bureau or other agency of this state or any political subdivision of the state;
- (5) "Information" includes, but is not necessarily limited to, the following items:
 - (a) Full name of the parent;
 - (b) Social security number of the parent;
 - (c) Date of birth of the parent;
 - (d) Last known mailing and residential address of the parent;
 - (e) Amount of wages, salaries, earnings or commissions earned by or paid to the parent;
 - (f) Number of dependents declared by the parent on state and federal tax information and reporting forms;
 - (g) Name of company, policy numbers and dependent coverage for any medical insurance carried by or on behalf of the parent;
 - (h) Name of company, policy numbers and cash values, if any, for any life insurance policies or annuity contracts, carried by or on behalf of, or owned by, the parent;
 - (i) Any retirement benefits, pension plans or stock purchase plans maintained on behalf of, or owned by, the parent and the values thereof, employee contributions thereto, and the extent to which each benefit or plan is vested;
 - (j) Vital statistics, including records of marriage, birth or divorce;
 - (k) Tax and revenue records, including information on residence address, employer, income or assets;
 - (l) Records concerning real or personal property;
 - (m) Records of occupational, professional or recreational licenses or permits;
 - (n) Records concerning the ownership and control of corporations, partnerships or other businesses;
 - (o) Employment security records;
 - (p) Records concerning motor vehicles;
 - (q) Records of assets or liabilities;

(r) Corrections records;

(s) Names and addresses of employers of parents;

(t) Motor vehicle records; and

(u) Law enforcement records;

(6) "Parent", a biological or adoptive parent, including a presumed or putative father.

2. For the purpose of locating and determining financial resources of the parents relating to establishment of paternity or to establish, modify or enforce support orders, the division or other state IV-D agency may request and receive information from the federal Parent Locator Service, from available records in other states, territories and the District of Columbia, from the records of all government agencies, and from businesses and financial entities. A request for information from a public utility or cable television company shall be made by subpoena authorized pursuant to this chapter. The government agencies, businesses, and financial entities shall provide information, if known or chronicled in their business records, notwithstanding any other provision of law making the information confidential. In addition, the division [or other state IV-D agency may] **may use all sources of information and available records and**, pursuant to agreement with the secretary of the United States Department of Health and Human Services, or the secretary's designee, request and receive from the federal Parent Locator Service information [authorized] pursuant to 42 U.S.C. [Section] **Sections 653 and 663**, to determine the whereabouts of any parent or child when such information is to be used to locate the parent or child to enforce any state or federal law with respect to the unlawful taking or restraining of a child, or **of making or** enforcing a child custody or visitation order.

3. Notwithstanding the provisions of subsection 2 of this section, no financial entity shall be required to provide the information requested by the division or other state IV-D agency unless the division or other state IV-D agency alleges that the parent about whom the information is sought is an officer, agent, member, employee, depositor, customer or the insured of the financial institution, or unless the division or other state IV-D agency has complied with the provisions of section 660.330, RSMo.

4. Any business or financial entity which has received a request from the division or other state IV-D agency as provided by subsections 2 and 3 of this section shall provide the requested information or a statement that any or all of the requested information is not known or available to the business or financial entity, within sixty days of receipt of the request and shall be liable to the state for civil penalties up to one hundred dollars for each day after such sixty-day period in which it fails to provide the information so requested. Upon request of the division or other state IV-D agency, the attorney general shall bring an action in a circuit court of competent jurisdiction to recover the civil penalty. The court shall have the authority to determine the amount of the civil penalty to be assessed.

5. Any business or financial entity, or any officer, agent or employee of such entity, participating in good faith in providing information requested pursuant to subsections 2 and 3 of this section shall be immune from liability, civil or criminal, that might otherwise result from the release of such information to the division.

6. Upon request of the division or other state IV-D agency, any parent shall complete a statement under oath, upon such form as the division or other state IV-D agency may specify, providing information, including, but not necessarily limited to, the parent's monthly income, the parent's total income for the previous year, the number and name of the parent's dependents and the amount of support the parent provides to each, the nature and extent of the parent's assets, and such other information pertinent to the support of the dependent as the division or other state IV-D agency may request. Upon request of the division or other state IV-D agency, such statements shall be completed annually. Failure to comply with this subsection is a class A misdemeanor.

7. The disclosure of any information provided to the business or financial entity by the division or other state IV-D agency, or the disclosure of any information regarding the identity of any applicant for or recipient of public assistance, by an officer or employee of any business or financial entity, or by any person receiving such information from such employee or officer is prohibited. Any person violating this subsection is guilty of a class A misdemeanor.

8. Any person who willfully requests, obtains or seeks to obtain information pursuant to this section under false pretenses, or who willfully communicates or seeks to communicate such information to any agency or person except pursuant to this chapter, is guilty of a class A misdemeanor.

9. For the protection of applicants and recipients of services pursuant to sections 454.400 to 454.645, all officers and employees of, and persons and entities under contract to, the state of Missouri are prohibited, except as otherwise provided in this subsection, from disclosing any information obtained by them in the discharge of their official duties relative to the identity of applicants for or recipients of services or relating to proceedings or actions to establish paternity or to establish or enforce support, or relating to the contents of any records, files, papers and communications, except in the administration of the child support program or the administration of public assistance, including civil or criminal proceedings or investigations conducted in connection with the administration of the child support program or the administration of public assistance. Such officers, employees, persons or entities are specifically prohibited from disclosing any information relating to the location of one party to another party:

(1) If a protective order has been entered against the other party; or

(2) If there is reason to believe that such disclosure of information may result in physical or emotional harm to the other party. In any judicial proceedings, except such proceedings as are directly concerned with the administration of these programs, such information obtained in the discharge of official duties relative to the identity of applicants for or recipients of child support services or public assistance, and records, files, papers, communications and their contents shall be confidential and not admissible in evidence. Nothing in this subsection shall be construed to prohibit the circuit clerk from releasing information, not otherwise privileged, from court records for reasons other than the administration of the child support program, if such information does not identify any individual as an applicant for or recipient of services pursuant to sections 454.400 to 454.645. Anyone who purposely or knowingly violates this subsection is guilty of a class A misdemeanor.

454.455. 1. In any case wherein an order for child support has been entered and the legal custodian and obligee pursuant to the order relinquishes physical custody of the child to a caretaker relative without obtaining a modification of legal custody, and the caretaker relative makes an assignment of support rights to the division of family services in order to receive aid to families with dependent children benefits, the relinquishment and the assignment, by operation of law, shall transfer the child support obligation pursuant to the order to the division in behalf of the state. The assignment shall terminate when the caretaker relative no longer has physical custody of the child, except for those unpaid support obligations still owing to the state pursuant to the assignment at that time.

2. As used in subsection 1 of this section, the term "caretaker relative" includes only those persons listed in subdivision (2) of subsection 1 of section 208.040, RSMo.

3. If an order for child support has been entered, no assignment of support has been made, and the legal custodian and obligee under the order relinquishes physical custody of the child to a caretaker relative without obtaining a modification of legal custody, **or the child is placed by the court in the legal custody of a state agency**, the division may, thirty days after the transfer of custody and upon notice to the obligor and obligee, direct the obligor or other payor to change the payee to the caretaker relative or appropriate state agency. Such order shall terminate when the caretaker relative no longer has physical custody of the child, **or the state agency is relieved of legal custody**, except for the unpaid support obligations still owed to the caretaker relative.

4. If there has been an assignment of support to an agency or division of the state or a requirement to pay through a state disbursement unit, the division may, upon notice to the obligor and obligee, direct the obligor or other payor to change the payee to the appropriate state agency.

454.460. As used in sections 454.460 to 454.520, unless the context clearly indicates otherwise, the following terms mean:

(1) "Court", any circuit court of this state and any court or agency of any other state having jurisdiction to determine the liability of persons for the support of another person;

- (2) "Court order", any judgment, decree, or order of any court which orders payment of a set or determinable amount of support money;
- (3) "Department", the department of social services of the state of Missouri;
- (4) "Dependent child", any person under the age of twenty-one who is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States;
- (5) "Director", the director of the division of child support enforcement, or the director's designee;
- (6) "Division", the division of child support enforcement of the department of social services of the state of Missouri;
- (7) "IV-D agency", an agency designated by a state to administer programs under Title IV-D of the Social Security Act;
- (8) "IV-D case", a case in which services are being provided pursuant to section 454.400;
- (9) "Obligee", any person to whom payments are required to be made pursuant to the terms of a court order for a child, spouse or former spouse;
- (10) "Obligor", any person required to make payments pursuant to the terms of a court order for a child, spouse or former spouse;
- (11) "Parent", the biological or adoptive father or mother of a dependent child;
- (12) "Public assistance", any cash or benefit under Part IV-A or Title XIX of the federal Social Security Act paid by the department to or for the benefit of any dependent child or any public assistance assigned to the state;
- (13) "State", any state or political subdivision, territory or possession of the United States, District of Columbia, and the Commonwealth of Puerto Rico;
- (14) "Support order", a judgment, decree or order, whether temporary, final or subject to modification, issued by a court or administrative agency of competent jurisdiction for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or [a child and] **of the parent with whom the child is living and providing monetary support, health care, child care, arrearages or reimbursement for such child, and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees and other relief.**

454.490. 1. A true copy of any order entered by the director pursuant to sections 454.460 to 454.997, along with a true copy of the return of service, may be filed with the clerk of the circuit court in the county in which [either the parent or the dependent child resides] **the judgment of dissolution or paternity has been entered, or if no such judgment was entered, in the county either the parent or the dependent child resides or where the support order was filed.** Upon filing, the clerk shall enter the order in the judgment docket. Upon docketing, the order shall have all the force, effect, and attributes of a docketed order or decree of the circuit court, including, but not limited to, lien effect and enforceability by supplementary proceedings, contempt of court, execution and garnishment. Any administrative order or decision of the division of child support enforcement filed in the office of the circuit clerk of the court shall not be required to be signed by an attorney, as provided by supreme court rule of civil procedures 55.03(a), or required to have any further pleading other than the director's order.

2. In addition to any other provision to enforce an order docketed pursuant to this section or any other support order of the court, the court may, upon petition by the division, require that an obligor who owes past due support [to a child receiving assistance under Part IV-A of the Social Security Act] to pay support in accordance with a plan approved by the court, or if the obligor is subject to such plan and is not incapacitated, the court may require the obligor to participate in work activities.

3. In addition to any other provision to enforce an order docketed pursuant to this section or any other support order of the court, division or other IV-D agency, the director may order that an obligor who owes past due support [to a child

receiving assistance under Part IV-A of the Social Security Act] to pay support in accordance with a plan approved by the director, or if the obligor is subject to such plan and is not incapacitated, the director may order the obligor to participate in work activities. The order of the director shall be filed with a court pursuant to subsection 1 of this section and shall be enforceable as an order of the court.

4. As used in this section, "work activities" include:

- (1) Unsubsidized employment;
- (2) Subsidized private sector employment;
- (3) Subsidized public sector employment;
- (4) Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
- (5) On-the-job training;
- (6) Job search and readiness assistance;
- (7) Community services programs;
- (8) Vocational educational training, not to exceed twelve months for any individual;
- (9) Job skills training directly related to employment;
- (10) Education directly related to employment for an individual who has not received a high school diploma or its equivalent;
- (11) Satisfactory attendance at a secondary school or course of study leading to a certificate of general equivalence for an individual who has not completed secondary school or received such a certificate; or
- (12) The provision of child care services to an individual who is participating in a community service program.

454.505. 1. In addition to any other remedy provided by law for the enforcement of support, if [an] **a support** order has been entered [by the director pursuant to sections 454.460 to 454.997], the director shall issue an order directing any employer or other payor of the parent to withhold and pay over to the [department] **division** or the clerk of the circuit court in the county in which [the order of the director was docketed pursuant to section 454.490] **a trusteeship is or will be established**, money due or to become due the obligated parent in an amount not to exceed federal wage garnishment limitations. For administrative child support orders issued pursuant to sections other than section 454.476, the director shall not issue an order to withhold and pay over in any case in which:

- (1) One of the parties demonstrates, and the director finds, that there is good cause not to require immediate income withholding. For purposes of this subdivision, any finding that there is good cause not to require immediate withholding shall be based on, at least, a written determination and an explanation by the director that implementing immediate wage withholding would not be in the best interests of the child and proof of timely payments of previously ordered support in cases involving the modification of support orders; or
- (2) A written agreement is reached between the parties that provides for an alternative payment arrangement. If the income of an obligor is not withheld as of the effective date of the support order, pursuant to subdivision (1) or (2) of this subsection, or otherwise, such obligor's income shall become subject to withholding pursuant to this section, without further exception, on the date on which the obligor becomes delinquent in maintenance or child support payments in an amount equal to one month's total support obligation.

2. An order entered pursuant to this section shall recite the amount required to be paid as continuing support, the amount to be paid monthly for arrearages and the social security number of the obligor if available. In addition, the order shall

contain a provision that the obligor shall notify the division of child support enforcement regarding the availability of medical insurance coverage through an employer or a group plan, provide the name of the insurance provider when coverage is available, and inform the division of any change in access to such insurance coverage. A copy of sections 454.460 and 454.505 shall be appended to the order. A copy of such order shall be filed with the circuit court in the county in which [the administrative support order was filed pursuant to section 454.490] **the trusteeship is or will be established.**

3. An order entered pursuant to this section shall be served on the employer or other payor by certified mail, return receipt requested or may be issued through electronic means, and shall be binding on the employer or other payor two weeks after mailing or electronic issuance of such service. A copy of the order and a notice of property exempt from withholding shall be mailed to the obligor at the obligor's last known address. The notice shall advise the obligor that the withholding has commenced and the procedures to contest such withholding pursuant to section 454.475 on the grounds that such withholding or the amount withheld is improper due to a mistake of fact by requesting a hearing thirty days from mailing the notice. At such a hearing the certified copy of the court order and the sworn or certified statement of arrearages shall constitute prima facie evidence that the director's order is valid and enforceable. If a prima facie case is established, the obligor may only assert mistake of fact as a defense. For purposes of this section, "mistake of fact" means an error in the amount of the withholding or an error as to the identity of the obligor. The obligor shall have the burden of proof on such issues. The obligor may not obtain relief from the withholding by paying the overdue support. The employer or other payor shall withhold from the earnings or other income of each obligor the amount specified in the order, and may deduct an additional sum not to exceed six dollars as reimbursement for costs, except that the total amount withheld shall not exceed the limitations contained in the federal Consumer Credit Protection Act, 15 U.S.C. 1673(b). The employer or other payor shall transmit the payments as directed in the order within seven business days of the date the earnings, money due or other income was payable to the obligor. For purposes of this section, "business day" means a day that state offices are open for regular business. The employer or other payor shall, along with the amounts transmitted, provide the date the amount was withheld from each obligor. If the order does not contain the social security number of the obligor, the employer or other payor shall not be liable for withholding from the incorrect obligor.

4. If the order is served on a payor other than an employer, it shall be a lien against any money due or to become due the obligated parent which is in the possession of the payor on the date of service or which may come into the possession of the payor after service until further order of the director, except for any deposits held in two or more names in a financial institution.

5. The department shall notify an employer or other payor upon whom such an order has been directed whenever all arrearages have been paid in full, and whenever, for any other reason, the amount required to be withheld and paid over to the department pursuant to the order as to future pay periods is to be reduced or redirected. If the parent's support obligation is required to be paid monthly and the parent's pay periods are at more frequent intervals, the employer or other payor may, at the request of the parent and with the consent of the director, withhold and pay over to the department, an equal amount at each pay period cumulatively sufficient to comply with the withholding order.

6. An order issued pursuant to subsection 1 of this section shall be a continuing order and shall remain in effect and be binding upon any employer or other payor upon whom it is directed until a further order of the director. Such orders shall terminate when all children for whom the support order applies are emancipated or deceased, or the support obligation otherwise ends, and all arrearages are paid. No order to withhold shall be terminated solely because the obligor has fully paid arrearages.

7. An order issued pursuant to subsection 1 of this section shall have priority over any other legal process pursuant to state law against the same wages, except that where the other legal process is an order issued pursuant to this section or section 452.350, RSMo, the processes shall run concurrently, up to applicable wage withholding limitations. If concurrently running wage withholding processes for the collection of support obligations would cause the amounts withheld from the wages of the obligor to exceed applicable wage withholding limitations, the employer shall first satisfy current support obligations by dividing the amount available to be withheld among the orders on a pro rata basis using the percentages derived from the relationship each current support order amount has to the sum of all current child support obligations. Thereafter, arrearages shall be satisfied using the same pro rata distribution procedure used for

distributing current support, up to the applicable limitation.

8. No employer or other payor who complies with an order entered pursuant to this section shall be liable to the parent, or to any other person claiming rights derived from the parent, for wrongful withholding. An employer or other payor who fails or refuses to withhold or pay the amounts as ordered pursuant to this section shall be liable to the party holding the support rights in an amount equal to the amount which became due the parent during the relevant period and which, pursuant to the order, should have been withheld and paid over. The director is hereby authorized to bring an action in circuit court to determine the liability of an employer or other payor for failure to withhold or pay the amounts as ordered. If a court finds that a violation has occurred, the court may fine the employer in an amount not to exceed five hundred dollars. The court may also enter a judgment against the employer for the amounts to be withheld or paid, court costs and reasonable attorney's fees.

9. The remedy provided by this section shall be available where the state or any of its political subdivisions is the employer or other payor of the obligated parent in the same manner and to the same extent as where the employer or other payor is a private party.

10. An employer shall not discharge, or refuse to hire or otherwise discipline an employee as a result of an order to withhold and pay over certain money authorized by this section. If any such employee is discharged within thirty days of the date upon which an order to withhold and pay over certain money is to take effect, there shall arise a rebuttable presumption that such discharge was a result of such order. This presumption shall be overcome only by clear, cogent and convincing evidence produced by the employer that the employee was not terminated because of the order to withhold and pay over certain money. The director is hereby authorized to bring an action in circuit court to determine whether the discharge constitutes a violation of this subsection. If the court finds that a violation has occurred, the court may enter an order against the employer requiring reinstatement of the employee and may fine the employer in an amount not to exceed one hundred fifty dollars. Further, the court may enter judgment against the employer for the back wages, costs, attorney's fees, and for the amount of child support which should have been withheld and paid over during the period of time the employee was wrongfully discharged.

11. If an obligor for whom an order to withhold has been issued pursuant to subsection 1 of this section terminates the obligor's employment, the employer shall, within ten days of the termination, notify the division of the termination, shall provide to the division the last known address of the obligor, if known to the employer, and shall provide to the department the name and address of the obligor's new employer, if known. When the department determines the identity of the obligor's new employer, the director shall issue an order to the new employer as provided in subsection 1 of this section.

12. If an employer or other payor is withholding amounts for more than one order issued pursuant to subsection 1 of this section, the employer or other payor may transmit all such withholdings which are to be remitted to the same circuit clerk or other collection unit as one payment together with a separate list identifying obligors for whom a withholding has been made and the amount withheld from each obligor so listed, and the withholding date or dates for each obligor.

13. For purposes of this section, "income" means any periodic form of payment due to an individual, regardless of source, including wages, salaries, commissions, bonuses, worker's compensation benefits, disability benefits, payments pursuant to a pension or a retirement program, and interest.

14. The employer shall withhold funds as directed in the notice, except if an employer receives an income withholding order issued by another state, the employer shall apply the income withholding law of the state of the obligor's principal place of employment in determining:

- (1) The employer's fee for processing an income withholding order;
- (2) The maximum amount permitted to be withheld from the obligor's income;
- (3) The time periods within which the employer shall implement the income withholding order and forward the child support payments;

(4) The priorities for withholding and allocating income withheld for multiple child support obligees; and

(5) Any withholding terms and conditions not specified in the order.

15. If the secretary of the Department of Health and Human Services promulgates a final standard format for an employer income withholding notice, the director shall use such notice prescribed by the secretary.

454.999. The provisions of sections 210.822 and 210.834, RSMo, shall apply to a proceeding under sections 454.850 to 454.997, but no other provisions of sections 210.817 through 210.852, RSMo, shall apply.

454.1031. All penalties that apply to an obligor in sections 454.1000 to 454.1029 shall also apply to any person who has, without good cause as determined by a court with jurisdiction, denied or interfered with any order for visitation or custody for two or more consecutive periods. Any such penalties shall be imposed by a court with jurisdiction, and may be modified or vacated by the court for good cause shown, and the division shall have no jurisdiction over such matters.

476.688. Except as provided in section 104.312, RSMo, the compensation provided for in sections 476.455 to 476.688, and any benefits consolidated with the compensation, shall be treated like any other state retirement benefits payable by the Missouri state employees' retirement system and shall not be subject to execution, garnishment, attachment, writ of sequestration or any other process or claim whatsoever, and shall be unassignable **except with regard to the collection of child support or maintenance.**

537.044. The torts of alienation of affection and conspiracy to alienate affection are hereby abolished in this state."; and

Further amend said bill, Page 45, Section 568.175, Line 2 of said page, by inserting immediately after all of said line the following:

"Section 1. No garnishment, withholding, or other financial legal proceeding under chapter 454, RSMo, to enforce a support order as defined in section 454.455, RSMo, shall be levied or maintained by the division of child support enforcement against a party who alleges that no current or unpaid child support is due if after review of the allegations and evidence the division determines that no current or unpaid child support is due. The enforcement action may continue pending a review by the division, and the division may only levy an enforcement action if current or unpaid support should later become due and owing. The division shall advise a party to a support obligation being enforced by the division of the amount currently due under the support order and how that amount was calculated upon request."; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Sims moved that **SS for SCS for SBs 771 and 687**, as amended, be adopted, which motion prevailed.

On motion of Senator Sims, **SS for SCS for SBs 771 and 687**, as amended, was declared perfected and ordered printed.

Senator Maxwell moved that **SB 698**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 698, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 698

An Act relating to the family investment trust act.

Was taken up.

President Pro Tem McKenna assumed the Chair.

Senator Maxwell moved that **SCS** for **SB 698** be adopted, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **SB 698** was declared perfected and ordered printed.

Senator Mathewson moved that **SB 831**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 831** was again taken up.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 831, Page 1, Section A, Line 9 of said page, by inserting immediately after all of said line the following:

"32.110. Any business firm which engages in the activities of providing physical revitalization, economic development, job training or education for individuals, community services, or crime prevention in the state of Missouri shall receive a tax credit as provided in section 32.115 if the director of the department of economic development annually approves the proposal of the business firm; except that, no proposal shall be approved which does not have the endorsement of the agency of local government within the area in which the business firm is engaging in such activities which has adopted an overall community or neighborhood development plan that the proposal is consistent with such plan. The proposal shall set forth the program to be conducted, the neighborhood area to be served, why the program is needed, the estimated amount to be contributed to the program and the plans for implementing the program. If, in the opinion of the director of the department of economic development, a business firm's contribution can more consistently with the purposes of sections 32.100 to 32.125 be made through contributions to a neighborhood organization as defined in subdivision (12) of section 32.105, tax credits may be allowed as provided in section 32.115. The director of the department of economic development is hereby authorized to promulgate rules and regulations for establishing criteria for evaluating such proposals by business firms for approval or disapproval and for establishing priorities for approval or disapproval of such proposals by business firms with the assistance and approval of the director of the department of revenue. The total amount of tax credit granted for programs approved [under] **pursuant to** sections 32.100 to 32.125 [for the first fiscal year] shall not exceed [five million two hundred fifty thousand dollars to be increased by no more than one million seven hundred fifty thousand dollars each succeeding fiscal year until the total tax credit approved reaches eight million seven hundred fifty thousand dollars and after July 1, 1989, no more than fourteen million dollars of tax credit shall be approved in any fiscal year] **twenty-two million dollars**, except as otherwise provided for proposals approved [under] **pursuant to** section 32.111, **32.112** or 32.117. [The additional tax credits authorized by this section, to become effective after July 1, 1989, shall be increased by no more than two million dollars in any fiscal year.]

32.115. 1. The department of revenue shall grant a tax credit, to be applied in the following order until used, against:

- (1) The annual tax on gross premium receipts of insurance companies in chapter 148, RSMo;
- (2) The tax on banks determined [under] **pursuant to** subdivision (2) of subsection 2 of section 148.030, RSMo;
- (3) The tax on banks determined in subdivision (1) of subsection 2 of section 148.030, RSMo;
- (4) The tax on other financial institutions in chapter 148, RSMo;
- (5) The corporation franchise tax in chapter 147, RSMo;
- (6) The state income tax in chapter 143, RSMo; and

(7) The annual tax on gross receipts of express companies in chapter 153, RSMo.

2. For proposals approved [under] **pursuant to** section 32.110:

(1) The amount of the tax credit shall not exceed fifty percent of the total amount contributed during the taxable year by the business firm or, in the case of a financial institution, where applicable, during the relevant income period in programs approved pursuant to section 32.110;

(2) Except as provided in subsection 2 or 5 of this section, a tax credit of up to seventy percent may be allowed for contributions to programs where activities fall within the scope of special program priorities as defined with the approval of the governor in regulations promulgated by the director of the department of economic development;

(3) Except as provided in subsection 2 or 5 of this section, the tax credit allowed for contributions to programs located in any community shall be equal to seventy percent of the total amount contributed where such community is a city, town or village which has fifteen thousand or less inhabitants as of the last decennial census and is located in a county which is either located in:

(a) An area that is not part of a standard metropolitan statistical area;

(b) A standard metropolitan statistical area but such county has only one city, town or village which has more than fifteen thousand inhabitants; or

(c) A standard metropolitan statistical area and a substantial number of persons in such county derive their income from agriculture. Such community may also be in an unincorporated area in such county as provided in subdivision (1), (2) or (3) of this subsection. Except in no case shall the total economic benefit of the combined federal and state tax savings to the taxpayer exceed the amount contributed by the taxpayer during the tax year;

(4) Such tax credit allocation, equal to seventy percent of the total amount contributed, shall not exceed four million dollars in any fiscal year. When the four million dollar limit on the tax credit allocation is committed, the tax credit allocation for such programs shall then be equal to fifty percent credit of the total amount contributed. Regulations establishing special program priorities are to be promulgated during the first month of each fiscal year and at such times during the year as the public interest dictates. Such credit shall not exceed two hundred and fifty thousand dollars annually except as provided in subdivision (5) of this section. No tax credit shall be approved for any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the contribution was made may be carried over the next five succeeding calendar or fiscal years until the full credit has been claimed. Except as otherwise provided for proposals approved [under] **pursuant to** section 32.111, 32.112 or 32.117, in no event shall the total amount of all other tax credits allowed pursuant to sections 32.100 to 32.125 exceed [twenty-two] **twenty-eight** million dollars in any one fiscal year, of which six million shall be credits allowed pursuant to section 135.460, RSMo. If six million dollars in credits are not approved, then the remaining credits may be used for programs approved pursuant to sections 32.100 to 32.125;

(5) The credit may exceed two hundred fifty thousand dollars annually and shall not be limited if community services, crime prevention, education, job training, physical revitalization or economic development, as defined by section 32.105, is rendered in an area defined by federal or state law as an impoverished, economically distressed, or blighted area or as a neighborhood experiencing problems endangering its existence as a viable and stable neighborhood, or if the community services, crime prevention, education, job training, physical revitalization or economic development is limited to impoverished persons.

3. For proposals approved [under] **pursuant to** section 32.111:

(1) The amount of the tax credit shall not exceed fifty-five percent of the total amount invested in affordable housing assistance activities by a business firm. Whenever said investment is made in the form of an equity investment or a loan, as opposed to a donation alone, tax credits may be claimed only where the loan or equity investment is accompanied by a donation which is eligible for federal income tax charitable deduction, and where the total value of the tax credits

herein plus the value of the federal income tax charitable deduction is less than or equal to the value of the donation. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. If the affordable housing units for which a tax is claimed are within a larger structure, parts of which are not the subject of a tax credit claim, then expenditures applicable to the entire structure shall be reduced on a prorated basis in proportion to the ratio of the number of square feet devoted to the affordable housing units, for purposes of determining the amount of the tax credit. The total amount of tax credit granted for programs approved [under] **pursuant to** section 32.111 for the fiscal year beginning July 1, 1991, shall not exceed two million dollars, to be increased by no more than two million dollars each succeeding fiscal year, until the total tax credits that may be approved reaches ten million dollars in any fiscal year;

(2) For any year during the compliance period indicated in the land use restriction agreement, the owner of the affordable housing rental units for which a credit is being claimed shall certify to the commission that all tenants renting claimed units are income eligible for affordable housing units and that the rentals for each claimed unit are in compliance with the provisions of sections 32.100 to 32.125. The commission is authorized, in its discretion, to audit the records and accounts of the owner to verify said certification;

(3) In the case of owner occupied affordable housing units, the qualifying owner occupant shall, before the end of the first year in which credits are claimed, certify to the commission that the occupant is income eligible during the preceding two years, and at the time of the initial purchase contract, but not thereafter. The qualifying owner occupant shall further certify to the commission, before the end of the first year in which credits are claimed, that during the compliance period indicated in the land use restriction agreement, the cost of the affordable housing unit to the occupant for the claimed unit can reasonably be projected to be in compliance with the provisions of sections 32.100 to 32.125. Any succeeding owner occupant acquiring the affordable housing unit during the compliance period indicated in the land use restriction agreement shall make the same certification;

(4) If at any time during the compliance period the commission determines a project for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100 to 32.125 or rules promulgated therefor, the commission may within one hundred fifty days of notice to the owner either seek injunctive enforcement action against the owner, or seek legal damages against the owner representing the value of the tax credits, or foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and paying to the owner the proceeds of the sale, less the costs of the sale and less the value of all tax credits allowed herein. The commission shall remit to the director of revenue the portion of the legal damages collected or the sale proceeds representing the value of the tax credits. However, except in the event of intentional fraud by the taxpayer, the proposal's certificate of eligibility for tax credits shall not be revoked.

4. For proposals approved [under] **pursuant to** section 32.112, the amount of the tax credit shall not exceed fifty-five percent of the total amount contributed to a neighborhood organization by business firms. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. The total amount of tax credit granted for programs approved [under] **pursuant to** section 32.112 shall not exceed one million dollars for each fiscal year."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 831, Page 21, Section 135.257, Line 19 of said page, inserting after all of said line the following:

"260.285. 1. Any manufacturer engaged in this state in production of a meat or poultry food product intended for human consumption that is recycling flexible cellulose casing manufactured from cotton linters used and consumed directly in the production of such food product shall be eligible for a credit as defined in subsection 2 of this section.

2. The credit authorized in subsection 1 shall be equal to the amount of state sales or use taxes paid by a manufacturer to a retailer on such packaging material which is subsequently recycled by either the manufacturer or other person or entity to which the manufacturer conveys such packaging materials, less any consideration received by the manufacturer for such conveyance.

3. A manufacturer shall claim the refund in the month following the month in which the material has been recycled or conveyed for recycling. When claiming a credit under this section, a manufacturer shall provide a detailed accounting of the amount of packaging material recycled, amount of sales or use tax paid on such material, an affidavit attesting that the manufacturer is eligible under the provisions of this section for the credit being claimed and any other documentation determined necessary by the director of the department of revenue. The director shall refund any valid credit claims within sixty days of receipt. If the director determines that a fraudulent claim for the credit has been filed, the director may assess a penalty in an amount not to exceed twice the amount of fraudulent credits claimed.

4. Payment of credits authorized by this section shall not alter the liability of a retailer regarding sales tax on such material. Credits authorized by this section shall be paid from funds appropriated for the refund of taxes.

5. This section shall become effective October 1, 1991. [This section shall expire October 1, 2001.]" and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 831, Page 1, In the Title, Line 8, by inserting after "subject" the following: ", with an effective date"; and

Further amend said bill, page 21, section 135.257, line 19, of said page, by inserting after all of said line the following:

"253.550. Any person, firm, partnership, trust, estate, or corporation incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or structure in a certified historic district, shall be entitled to a credit against the taxes imposed pursuant to chapters 143, **147** and 148, RSMo, except for sections 143.191 to 143.265, RSMo, on that person or entity in an amount equal to twenty-five percent of the total costs and expenses of rehabilitation incurred after the effective date hereof, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder, provided the rehabilitation costs associated with rehabilitation and the expenses exceed fifty percent of the total basis in the property and the rehabilitation meets standards consistent with the standards of the Secretary of the United States Department of the Interior for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources.

253.557. **1.** If the amount of such credit exceeds the total tax liability for the year in which the rehabilitated property is placed in service, the amount that exceeds the state tax liability may be carried back to any of the three preceding years or carried forward for credit against the taxes imposed pursuant to [chapter] **chapters 143, 147 and 148** RSMo, except for sections 143.191 to 143.265, RSMo, for the succeeding ten years, or until the full credit is used, whichever occurs first. Credits granted to a partnership, a limited liability company taxed as a partnership or multiple owners of property shall be passed through to the partners, members or owners respectively pro rata or pursuant to an executed agreement among the partners, members or owners documenting an alternate distribution method.

2. Notwithstanding any provision of law to the contrary, any entity which is not for profit, excluding religious and governmental institutions, may sell, assign, exchange, convey or otherwise transfer tax credits allowed pursuant to section 253.550 under the terms and conditions prescribed in subdivisions (1) and (2) of this subsection. Such entity, hereinafter the assignor for the purposes of this subsection, may sell assign, exchange or

otherwise transfer earned tax credits:

- (1) For no less than ninety percent of the par value of such credit; and
- (2) In an amount not to exceed one hundred percent of annual earned credits.

The assignee of the tax credits, hereinafter the assignee for purposes of this subsection, may use acquired credits to offset up to one hundred percent of the tax liabilities otherwise imposed pursuant to chapters 143, 147 and 148 RSMo, except for sections 143.191 to 143.265, RSMo. Unused credits in the hand of the assignee may be carried forward and carried back in accordance with subsection 1 of this section. The assignor shall enter into a written agreement with the assignee establishing the terms and conditions of the agreement and shall perfect such transfer by notifying the department of economic development in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the department of economic development to administer and carry out the provisions of this section. Notwithstanding any provision of law to the contrary, the excess of the par value of such credits over the amount paid by the assignee for such credit shall be taxable as income of the assignee. The amount of qualified investments which can be made is limited so that the aggregate of all tax credits authorized pursuant to the provisions of this subsection shall not exceed fifty million dollars and the aggregate of all tax credits authorized pursuant to the provisions of this subsection per eligible property shall not exceed seven million five hundred thousand dollars.

3. The provisions of subsection 2 of this section shall expire December 31, 2003.

253.559. 1. To claim the credit authorized pursuant to sections 253.550 to 253.561 **of senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and section 253.557**, the taxpayer shall apply to the department of economic development which, in consultation with the department of natural resources, shall determine the amount of eligible rehabilitation costs and expenses and whether the rehabilitation meets the standards of the Secretary of the United States Department of the Interior **for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources**. The issuing of certificates of eligible credits to taxpayers shall be performed by the department of economic development. The taxpayer shall attach the certificate to all Missouri income tax returns on which the credit is claimed.

2. The department of economic development shall determine, on an annual basis, the overall economic impact to the state from the rehabilitation of eligible property."; and

Further amend said bill, section 21, page 68, line 7, of said page, by inserting after all of said line the following:

"Section B. Section A of this act shall be effective for eligible property placed in service after January 1, 1998."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 831, Page 20, Section 135.110, Line 21 of said page, by inserting immediately after said line the following:

"135.200. The following terms, whenever used in sections 135.200 to 135.256, mean:

- (1) "Department", the department of economic development;
- (2) "Director", the director of the department of economic development;
- (3) "Facility", any building used as a revenue producing enterprise located within an enterprise zone, including the land

on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(4) "Governing authority", the body holding primary legislative authority over a county or incorporated municipality;

(5) "New business facility" shall have the meaning defined in section 135.100, except that the term "lease" as used therein shall not include the leasing of property defined in paragraph (d) of subdivision (6) of this section;

(6) "Revenue producing enterprise", means:

(a) Manufacturing activities classified as SICs 20 through 39;

(b) Agricultural activities classified as SIC 025;

(c) Rail transportation terminal activities classified as SIC 4013;

(d) Renting or leasing of residential property to low and moderate income persons as defined in federal law, 42 U.S.C. 5302(a)(20);

(e) Motor freight transportation terminal activities classified as SIC 4231;

(f) Public warehousing and storage activities classified as SICs 422 and 423 except SIC 4221, miniwarehouse warehousing and warehousing self-storage;

(g) Water transportation terminal activities classified as SIC 4491;

(h) Wholesale trade activities classified as SICs 50 and 51;

(i) Insurance carriers activities classified as SICs 631, 632 and 633;

(j) Research and development activities classified as SIC 873, except 8733;

(k) Farm implement dealer activities classified as SIC 5999;

(l) Employment agency activities classified as SIC 7361;

(m) Computer programming, data processing and other computer related activities classified as SIC 737;

(n) Health service activities classified as SICs 801, 802, 803, 804, 806, 807, 8092 and 8093;

(o) Interexchange telecommunications as defined in subdivision (20) of section 386.020, RSMo, or training activities conducted by an interexchange telecommunications company as defined in subdivision (19) of section 386.020, RSMo;

(p) Recycling activities classified as SIC 5093;

(q) Banking activities classified as SICs 602 and 603;

(r) Office activities as defined in subdivision (8) of section 135.100, notwithstanding SIC classification;

(s) Mining activities classified as SICs 10 through 14;

(t) Photofinishing laboratory activities classified in SIC 7384 and microfilm recording and developing services as contained in SIC classification 7389, provided that each such revenue producing enterprise employs a minimum of one hundred employees at a single business facility;

(u) The administrative management of any of the foregoing activities; or

[(u)] (v) Any combination of any of the foregoing activities;

(7) "Satellite zone", a noncontiguous addition to an existing state designated enterprise zone;

(8) "SIC", the standard industrial classification as such classifications are defined in the 1987 edition of the Standard Industrial Classification Manual as prepared by the Executive Office of the President, Office of Management and Budget."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 831, Page 21, Section 135.257, Line 19, by inserting after said line the following:

"135.313. 1. Any person, firm or corporation who engages in the business of producing charcoal or charcoal products in the state of Missouri shall be eligible for a tax credit on income taxes otherwise due pursuant to chapter 143, RSMo, except sections 143.191 to 143.261, RSMo, as an incentive to implement safe and efficient environmental controls. The tax credit shall be equal to fifty percent of the purchase price of the best available control technology equipment connected with the production of charcoal in the state of Missouri or, if the taxpayer manufactures such equipment, fifty percent of the manufacturing cost of the equipment, to be increased by an annual inflation factor of five percent for each year from the year of manufacture to and including the year the equipment is put into service. The credit may be claimed for a period of eight years and is to be a tax credit against the tax otherwise due.

2. Any amount of credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed seven years.

3. The charcoal producer may elect to assign to a third party the approved tax credit. Certification of assignment and other appropriate forms must be filed with the Missouri department of revenue and the department of economic development.

4. When applying for a tax credit, the charcoal producer specified in subsection 1 of this section shall make application for the credit to the division of environmental quality of the department of natural resources. The application shall identify the specific best available control technology equipment and the purchase price, or manufacturing cost including any inflation adjustment, of such equipment. The director of the department of natural resources is authorized to require permits to construct prior to the installation of best available control technology equipment and other information which he or she deems appropriate.

5. The director of the department of natural resources in conjunction with the department of economic development shall certify to the department of revenue that the best available control technology equipment meets the requirements to obtain a tax credit as specified in this section."; and

Further amend the title and enacting clause.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator House offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 831, Page 21, Section 135.257, Line 15, by inserting immediately after all of said line the following:

"253.545. As used in sections 253.545 to 253.559 of **senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly**, the following terms mean, unless the context requires otherwise:

- (1) "Certified historic structure", a property located in Missouri and listed individually on the National Register of Historic Places;
- (2) "Eligible property", property located in Missouri and offered or used for residential or business purposes;
- (3) **"Qualified rehabilitated or reconstructed building", any building and its structural components, other than a certified historic structure or a structure in a certified historic district, which:**
 - (a) **Was first placed in service before 1936;**
 - (b) **Has fifty percent or more of the existing external walls of such building retained in place as external walls;**
 - (c) **Has seventy-five percent or more of the existing external walls of such building retained in place as internal or external walls;**
 - (d) **Has seventy-five percent or more of the existing internal structural framework of such building retained in place;**
 - (e) **Is, after the rehabilitation or reconstruction, put to nonresidential use;**
 - (f) **Has depreciation, or amortization in lieu of depreciation, allowable with respect to such building; and**
 - (g) **Is located within a local government historic zoning district;**
- (4) **"Rehabilitation" includes reconstruc-tion;**

[(3)] (5) "Structure in a certified historic district", a structure located in Missouri which is certified by the department of natural resources as contributing to the historic significance of a certified historic district listed on the National Register of Historic Places, or a local district that has been certified by the United States Department of the Interior.

253.551. Any person, firm, partnership, trust, estate, or corporation incurring costs and expenses for the rehabilitation of eligible property, which is a qualified rehabilitated or reconstructed building, shall be entitled to a credit against the taxes imposed pursuant to chapters 143 and 148, RSMo, except for sections 143.191 to 143.265, RSMo, on that person or entity in an amount equal to twenty percent of the total costs and expenses of rehabilitation incurred after January 1, 1998, but before January 1, 2001, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder, provided the rehabilitation costs associated with rehabilitation and the expenses exceed fifty percent of the total basis in the property.

253.559. 1. To claim the credit authorized pursuant to sections 253.550 to 253.561 **of senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly**, the taxpayer shall apply to the department of economic development which, in consultation with the department of natural resources, shall determine the amount of eligible rehabilitation costs and expenses and, **for tax credits under section 253.550**, whether the rehabilitation meets the standards of the Secretary of the United States Department of the Interior. The issuing of certificates of eligible credits to taxpayers shall be performed by the department of economic development. The taxpayer shall attach the certificate to all Missouri income tax returns on which the credit is claimed.

2. The department of economic development shall determine, on an annual basis, the overall economic impact to the

state from the rehabilitation of eligible property.

Section B. Because of the immediate need for the restoration and rehabilitation of historic structures in the state of Missouri, section 253.551 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 253.551 of this act shall be in full force and effect upon its passage and approval."; and further amend said bill, by renumbering the remaining section accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 831, Page 1, In the Title, Line 7 of said title, by striking the word "credits" and inserting in lieu thereof the word "benefits"; and

Further amend said bill, Page 21, Section 135.257, Line 19 of said page, by inserting after all of said line the following:

"311.554. 1. In addition to the charges imposed by [section] **sections 311.550 and 275.464**, there shall be paid to and collected by the director of revenue for the privilege of selling wine, an additional **prorata** charge of [six] **eight** cents per gallon [or fraction thereof]. The additional charge shall be paid and collected in the same manner and at the same time that the charges imposed by section 311.550 are paid and collected.

2. The revenue derived from the additional charge imposed by subsection 1 shall be deposited by the state treasurer to the credit of a separate account in the marketing development fund created by section 261.035, RSMo **upon certification by the Department of Economic Development that there exists in the state of Missouri an economically viable grape growing industry and an economically viable wine producing industry**. Moneys to the credit of the account shall be appropriated annually for use by the division of the state department of agriculture concerned [with market development] in developing programs for growing, selling, and marketing of grapes and grape products [grown in Missouri], including all necessary funding for the employment of experts in the fields of viticulture and enology as deemed necessary, and programs aimed at improving marketing of all varieties of grapes [grown in Missouri]; and shall be appropriated and used for no other purpose.

[3. This section shall become effective January 1, 1984, and shall terminate on October 1, 2001.]" and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 7** is out of order in that the amendment goes beyond the subject matter of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Goode offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 831, Page 1, In the Title, Line 4 of said title, by striking the word "section" and inserting in lieu thereof the following: "sections 99.805 and"; and

Further amend said bill, Page 1, Section A, Line 3 of said page, by striking the word "section" and inserting in lieu thereof the following: "sections 99.805 and"; and further amend said section, line 6 of said page, by inserting immediately after the word "sections" the numeral "99.805,"; and further amend said section, line 9 of said page, by

inserting immediately after all of said line the following:

"99.805. As used in sections 99.800 to 99.865, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Abandoned property", real property previously used for, or which has the potential to be used for, commercial or industrial purposes which reverted to the ownership of the state, a county, or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default or settlement, including conveyance by deed in lieu of foreclosure or a privately owned property endorsed by the city, or county if the property is not in a city, for inclusion in the program which will be transferred to a person other than the potentially responsible party as defined in chapter 250, RSMo, and has been vacant or underutilized;

[(1)] **(2) "Blighted area", an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use;**

[(2)] **(3) "Collecting officer", the officer of the municipality responsible for receiving and processing payments in lieu of taxes or economic activity taxes from taxpayers or the department of revenue;**

[(3)] **(4) "Conservation area", any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: Dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after December 23, 1997[, the effective date of this section as it appears in senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly];**

[(4)] **(5) "Economic activity taxes", the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after December 23, 1997[, the effective date of this section as it appears in senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly], if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;**

[(5)] **(6) "Economic development area", any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:**

(a) Discourage commerce, industry or manufacturing from moving their operations to another state; or

(b) Result in increased employment in the municipality; or

(c) Result in preservation or enhancement of the tax base of the municipality;

[(6)] (7) "Gambling establishment", an excursion gambling boat as defined in section 313.800, RSMo, and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850, RSMo. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997[, the effective date of this section as it appears in senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly];

[(7)] (8) "Municipality", a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997[, the effective date of this section as it appears in senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly], "municipality" applies only to cities, villages, incorporated towns or counties established for at least one year prior to such date;

[(8)] (9) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;

[(9)] (10) "Ordinance", an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;

[(10)] (11) "Payment in lieu of taxes", those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;

[(11)] (12) "Redevelopment area", an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, an economic development area, an enterprise zone pursuant to sections 135.200 to 135.256, RSMo, or a combination thereof, which area includes only those parcels of real property directly and substantially benefited by the proposed redevelopment project;

[(12)] (13) "Redevelopment plan", the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, economic development area, or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;

[(13)] (14) "Redevelopment project", any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description of the area selected for the redevelopment project;

[(14)] (15) "Redevelopment project costs" include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

(a) Costs of studies, surveys, plans, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning or special services. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be

recoverable, shall be included in the costs of a redevelopment plan or project;

(c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;

(d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;

(e) Initial costs for an economic development area;

(f) Costs of construction of public works or improvements;

(g) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;

(h) All or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;

(i) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or state law;

(j) Payments in lieu of taxes;

(16) "Retail enterprise", any retail activity classified as SICs 52 through 59;

(17) "SIC", the standard industrial classification as such classifications are defined in the 1987 edition of the Standard Industrial Classification Manual as prepared by the executive office of the president, office of management and budget;

[(15)] **(18) "Special allocation fund", the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account;**

[(16)] **(19) "Taxing districts", any political subdivision of this state having the power to levy taxes;**

[(17)] **(20) "Taxing districts' capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; [and]**

(21) "Underutilized", an otherwise abandoned property of which less than twenty-five percent of its floor space is occupied by an existing business whose SIC number is different from that of a proposed business to be located on the property. In addition, the property's highest and best use, as determined by the department of economic development may be achieved by the location of the proposed business upon it; and

[(18)] **(22) "Vacant land", any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings.**

99.864. 1. Tax increment financing, as provided for in sections 99.800 to 99.865, shall not be utilized for any redevelopment projects that are primarily retail enterprises. For the purposes of this section, "primarily" means that at least fifty-one percent of the area of the redevelopment project is reserved for retail enterprises. Tax increment financing shall be available, however, for redevelopment projects that are primarily retail enterprises if the redevelopment project is located within a redevelopment area that:

(1) Is part of a federal enterprise zone; or

(2) Has at least seventy-five percent of the residents living within a one-mile radius of the proposed site with incomes below seventy-five percent of the median income of all residents within the state of Missouri according to the last decennial census, and the level of unemployment of persons residing within a one-mile radius of the proposed site according to the most recent data available from the division of employment security or from the United States Bureau of the Census, exceeds one and one-half times the average rate of unemployment from the state of Missouri over the previous twelve months; or

(3) Has been underutilized property for at least three years.

2. The provisions of this section shall not apply to any city not within a county or any city with a population of at least four hundred thousand inhabitants which is located in more than one county."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Singleton offered **SA 1** to **SA 8**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 8

Amend Senate Amendment No. 8 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 831, Page 10, Section 99.864, Line 21, by deleting all of lines 21 through 24.

Senator Singleton moved that the above amendment be adopted.

At the request of Senator Singleton, **SA 1** to **SA 8** was withdrawn.

SA 8 was again taken up.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Kenney offered **SA 2** to **SA 8**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 8

Amend Senate Amendment No. 8 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 831, Page 10, Section 99.864, Line 22, by placing an opening bracket "[" before the word "or" on line 22 and further amend bill, same page, line 24, by placing a closing bracket "]" after the word "county".

Senator Kenney moved that the above amendment be adopted.

At the request of Senator Kenney, **SA 2** to **SA 8** was withdrawn.

President Pro Tem McKenna assumed the Chair.

SA 8 was again taken up.

Senator Goode moved that the above amendment be adopted.

Senator Ehlmann requested a roll call vote be taken on the adoption of **SA 8** and was joined in his request by Senators Kenney, Schneider, Singleton and Westfall.

SA 8 was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Clay	Ehlmann
Flotron	Goode	Graves	Howard
Jacob	Kenney	Klarich	Maxwell
Rohrbach	Schneider	Scott	Sims
Singleton	Westfall--18		
NAYS--Senators			
Caskey	Childers	DePasco	House
Johnson	Mathewson	McKenna	Quick
Wiggins--9			
Absent--Senators			
Curls	Kinder	Lybyer	Mueller
Russell	Staples	Yeckel--7	
Absent with leave--Senators--None			

Senators Schneider and Lybyer offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 831, Page 15, Section 135.257, Line 24 of said page, by inserting immediately after said line the following:

"135.700. For all tax years beginning on or after January 1, 1999, a grape grower or wine producer shall be allowed a tax credit against the state tax liability incurred pursuant to chapter 143, RSMo, exclusive of the provisions relating to the withholding of tax as provided in sections 143.191 to 143.265, RSMo, in an amount equal to twenty-five percent of the purchase price of all equipment, supplies and materials used directly in the growing of grapes or the production of wine in the state. Each grower or producer shall apply to the department of economic development and specify the total amount of such equipment, supplies and materials purchased during a calendar year. The department of economic development shall certify to the department of revenue the amount of such tax credit to which a grape grower or wine producer is entitled pursuant to this section."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Mathewson, **SB 831**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SB 649**; **SB 829**; **SB 828**; **SB 870**; and **SB 551**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

On behalf of Senator Clay, Chairman of the Committee on Labor and Industrial Relations, Senator Quick submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **HS** for **HCS** for **HBs 1237, 1409, 1166, 1154 and 1491**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for House Bills Nos. 1237, 1409, 1166, 1154 and 1491, Page 37, Section 3, Line 38, by deleting the words "**state moneys used**" and inserting in lieu thereof the words "**moneys received**"; and

Further amend said bill, Page 37, Section 3, Line 39, by inserting after the word "**Missouri**" the words "**pursuant to section 2 of this act**".

On behalf of Senator Curls, Chairman of the Committee on Insurance and Housing, Senator Quick submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which were referred **HCS** for **HB 1315** and **HS** for **HB 1070**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Ethics, submitted the following report:

Mr. President: Your Committee on Ethics, to which was referred **HB 893**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HB 1876**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Jacquelyn B. Dilworth, as a member of the Drug Utilization Review Board;

Also,

James D. Bollinger, as a member of the Missouri Fire Safety Advisory Board;

Also,

Lonnie G. Hasty, as public member of the Missouri Family Trust Board of Trustees;

Also,

Paul L. Redfearn, as a member of the Southwest Missouri State University Board of Governors;

Also,

Joseph F. Engeln, as a member of the Well Installation Board;

Also,

Laura A. Estabrooks, Roger Dale "R.D." Porter, Deborah L. Lilley, Annette Kolis Mandel, Charles G. Bonney and Sheila F. Lumpe, as members of the Committee for 911 Service Oversight;

Also,

Gregory M. Weaver, as a member of the Advisory Commission for Clinical Perfusionists;

Also,

David C. Zimmerman, as a member of the Air Conservation Commission;

Also,

Kenneth C. Hensley, as a member of the Public Defender Commission;

Also,

Sharlene Pietsch and Stanley R. Cowan, as public members of the Well Installation Board;

Also,

Peter Tucker Ewell, as a member of the Truman State University Board of Governors;

Also,

Carolyn V. Atkins, as public member of the Child Abuse and Neglect Review Board;

Also,

Robert P. Neumann, as a member of the State Historical Records Advisory Board;

Also,

Dorsey E. Levell, as a member of the Missouri Community Service Commission.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 470**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 786**, entitled:

An Act to repeal sections 213.010, 213.020, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, 213.101 and

213.111, RSMo 1994, and section 213.030, RSMo Supp. 1997, relating to human rights, and to enact in lieu thereof twelve new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 701**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 861**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 719**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 819**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 631**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 793**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 809**, entitled:

An Act to repeal section 71.011, RSMo 1994, and sections 72.080, 72.400, 72.401, 72.405 and 72.407, RSMo Supp. 1997, relating to certain real property, and to enact in lieu thereof eight new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1002**: Representatives: Franklin, Williams (121), Lakin, Kauffman, Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1003**, as amended: Representatives: Franklin, Williams (121), Lakin, Kauffman, Cooper.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1004**, as amended: Representatives: Franklin, Williams (121), Green, Gross, Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1005**: Representatives: Franklin, Williams (121), Green, Wooten, Gross.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1006**, as amended: Representatives: Franklin, Williams (121), Scheve, Cooper, Graham.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1007**, as amended: Representatives: Franklin, Williams (121), Scheve, Cooper, McClelland.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1008**: Representatives: Franklin, Williams (121), Lakin, Burton, Cooper.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1009**: Representatives: Franklin, Williams (121), Troupe, Kelley (47), Kasten.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1010**, as amended: Representatives: Franklin, Schilling, Carter, Burton and Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1011**, as amended: Representatives: Franklin, Williams (121), Troupe, Kelley (47), Chrismer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1012**: Representatives: Franklin, Green, Lakin, Burton, Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 676**, entitled:

An Act to repeal section 67.210, RSMo 1994, relating to local government, and to enact in lieu thereof eight new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 900**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 778**, entitled:

An Act to repeal sections 140.250, 140.730, 141.530 and 141.550, RSMo 1994, and sections 140.405 and 301.025, RSMo Supp. 1997, relating to the procedure for collection of certain taxes, and to enact in lieu thereof six new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 517**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 898**, entitled:

An Act to repeal sections 320.300, 320.302, 320.305 and 320.307, RSMo 1994, and section 320.094, RSMo Supp. 1997, relating to fire protection districts, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 496**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 844**, entitled:

An Act to repeal sections 347.030, 347.153, 347.163, 351.375, 351.604, 355.716, 355.813, 359.021 and 359.041, RSMo 1994, and sections 347.039 and 358.510, RSMo Supp. 1997, relating to business organizations, and to enact in lieu thereof thirteen new sections relating to the same subject, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 604**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 963**, entitled:

An Act to repeal sections 197.305 and 197.313, RSMo Supp. 1997, relating to care facility licensure, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 558**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 526**, entitled:

An Act to repeal section 315.037, RSMo 1994, relating to lodging establishments, and to enact in lieu thereof six new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for **HCS** for **HBs 1051** and **1276**--Judiciary.

HCS for **HB 1537**--Public Health and Welfare.

BILL REFERRALS

President Pro Tem McKenna referred **SB 745** and **SB 709** to the Committee on Budget Control.

President Pro Tem McKenna assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SB 649; SB 829; SB 828; SB 870; and SB 551**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

RESOLUTIONS

Senator Mueller offered Senate Resolution No. 1671, regarding Jean and Joan Goodson, St. Louis County, which was adopted.

Senator Mathewson offered Senate Resolution No. 1672, regarding George Wimmer, Sedalia, which was adopted.

Senator Sims offered Senate Resolution No. 1673, regarding Mayor Charles Feldman, Olivette, which was adopted.

Senator House offered Senate Resolution No. 1674, regarding Thelma Varner, O'Fallon, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Flotron introduced to the Senate, forty seventh grade students from Incarnate Word School, St. Louis.

Senator Childers introduced to the Senate, Robin, Sarah and John Washam, homeschoolers from Galena; and Sarah and John were made honorary pages.

Senator Mueller introduced to the Senate, sixty fourth grade students from Tillman Elementary School, St. Louis; and Stuart Safranski, Charles Robinson, Allison Johnson and Kelly Pappageorge were made honorary pages.

Senator Mueller introduced to the Senate, Becky Call, Jefferson City.

On behalf of Senator McKenna, the President introduced to the Senate, Linda Berry, 10 adults and thirteen fifth and sixth grade students from Christian Outreach School, Hillsboro.

Senator Schneider introduced to the Senate, Libbey Eisliben, and students from Wedgewood Elementary School, St. Louis; and Natalie Hall, Emily Marler, Sharayah Gilbert and Jessica LaChance were made honorary pages.

Senator Staples introduced to the Senate, Mrs. Judy Johnson, and eighth grade students from South Reynolds School, Reynolds County; and Pamela Williams and Mandy Cox were made honorary pages.

Senator Graves introduced to the Senate, fifteen adults and thirty-two students from Laredo R-7 School, Grundy County.

Senator Quick introduced to the Senate, Ruth Schwartz, Larry Harmon, and sixty-two fourth grade students from Topping Elementary School, Kansas City; and Paul Hamilton, Christina Gatewood, Lisa Harper and Nicholas Serroque

were made honorary pages.

Senator Caskey introduced to the Senate, Annette Phillips, and four ninth grade students from Belton High School, Belton; and Tommy Young, Josh Rhea, Kenny Bell and Jonathan Roberts were made honorary pages.

Senator Flotron introduced to the Senate, fifty fourth grade students from Remington Traditional School, Maryland Heights; and Kylie Dunavant, Chris Milligan, Brittany Lynn and Philip Mohr were made honorary pages.

Senator Wiggins introduced to the Senate, Dale, Tanya, Nicholas and Carissa Perry; and Bob, Jeanette, Nathan, Maria and Zachary Ross, Kansas City.

Senator Klarich introduced to the Senate, the Physician of the Day, Steve Judge, M.D., Washington.

On motion of Senator Quick, the Senate adjourned until 3:00 p.m., Monday, April 27, 1998.

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-NINTH DAY--MONDAY, APRIL 27, 1998

The Senate met pursuant to adjournment.

Senator Johnson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, be with the victims of a fourteen-year-old boy with a gun at a high school function over this weekend. Our prayers are for the youth of America who must live in a world created by the older generation. Use the clergy, elected officials and all people of good will to ensure that today's young are not throw-away kids. Guide us as we set the example. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 23, 1998, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Absent with leave--Senators	
Bentley	Curls--2
The Lieutenant Governor was present.	

RESOLUTIONS

Senator Maxwell offered Senate Resolution No. 1675, regarding the Monroe City High School Girls Basketball Team, which was adopted.

Senator Mathewson offered Senate Resolution No. 1676, regarding Detective Sergeant Dave Hall, St. Louis, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1677, regarding Detective Michael Harvey, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1678, regarding Dan Casey, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1679, regarding Russell Kuhlman, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1680, regarding April Kuhlman, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1681, regarding Paul D. Morgan, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1682, regarding David Phegley, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1683, regarding Thomas M. Bossch, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1684, regarding Charles C. Ames, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1685, regarding Mitzi M. Lowery, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1686, regarding Kevin Schuette, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1687, regarding St. Charles Walgreens Pharmacy, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1688, regarding Block Captain G. R. Potter, St. Charles, which was adopted.

Senator Singleton offered Senate Resolution No. 1689, regarding Robert Twyman, Nevada, which was adopted.

Senator Singleton offered Senate Resolution No. 1690, regarding Johnny Flores, El Paso, Texas, which was adopted.

Senator Kinder offered Senate Resolution No. 1691, regarding Edna Moran, which was adopted.

Senator Sims offered Senate Resolution No. 1692, regarding Kathleen Castello, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1693, regarding Laura Mathis, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 1694, regarding Laura Glaser, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1695, regarding Adriana Fann, O'Fallon, which was adopted.

Senator Sims offered Senate Resolution No. 1696, regarding Amanda Wetz, Villa Ridge, which was adopted.

Senator Sims offered Senate Resolution No. 1697, regarding Carey Melissa Long, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 1698, regarding Elizabeth Wotawa, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1699, regarding Emily Brock, New Haven, which was adopted.

Senator Sims offered Senate Resolution No. 1700, regarding Michelle Moreland, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 1701, regarding Amy Matzner, Lake St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1702, regarding Valery Webb, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 1703, regarding Katie Marten, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 1704, regarding Melanie Ransom, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 1705, regarding Erin Bartley, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 1706, regarding Rebecca Lynn Rasmussen, Florissant, which was adopted.

Senator Sims offered Senate Resolution No. 1707, regarding Maureen Lowry, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1708, regarding Beth Hellwig, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 1709, regarding Misty Davis, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1710, regarding Elizabeth Zotos, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 1711, regarding Teresa Hodge, O'Fallon, which was adopted.

Senator Sims offered Senate Resolution No. 1712, regarding Stephanie Meyer, New Haven, which was adopted.

Senator Sims offered Senate Resolution No. 1713, regarding Sara Norton, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 1714, regarding Tara Massimino, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 1715, regarding Elizabeth Manes, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 1716, regarding Rebecca Abernathy, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1717, regarding Emily Gabrisch, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1718, regarding Lisa Forster, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1719, regarding Amy Marie Velasco, St. Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senators Schneider and Maxwell offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 41

An act by concurrent resolution and pursuant to Article IV, Section 8, to repeal 5 CSR 80-850.060 relating to training requirements for school district board members, with an emergency clause.

WHEREAS, The Department of Elementary and Secondary Education filed an order of rulemaking amending 5 CSR 80-850.060 with the Joint Committee on Administrative Rules on March 20, 1998;

WHEREAS, the rule as amended in subsection 5 CSR 80-850.060(1)(B) purports to place a requirement upon school board members that, within one year of election or appointment, each member must receive sixteen hours of orientation and training in conjunction with members from at least four other districts; and

WHEREAS, the authority for the rule is cited as sections 160.530 and 162.203, RSMo., which sections respectively allow the Department to expend funds for the training of board members in areas of statewide critical need and require that sixteen hours of training programs be offered by a "statewide association organized for the benefit of members of boards of education" or be approved by the Department; and

WHEREAS, the Department's interpretation of this statute is that training offered by statewide associations must be approved by the Department and, thereby, include training components requiring costly travel and technology expenses to the districts; and

WHEREAS, the Department is implementing the training provisions in a manner that negatively impacts the accreditation of school districts; and

WHEREAS, the impact on the districts' accreditation does not comply with the requirements found in statute; and

WHEREAS, the Department has been issued a preliminary injunction by the Circuit Court of Cole County that prohibits enforcement of this rule pending the outcome of current litigation; and

WHEREAS, the Joint Committee on Administrative Rules has found that the Department has exceeded its rulemaking authority and recommends that the General Assembly act to permanently revoke 5 CSR 80-850.060(1)(B):

NOW, THEREFORE, BE IT RESOLVED the General Assembly finds that:

- 1. 5 CSR 80-850.060(1)(B) relates to training requirements for board members of school districts; and
- 2. The Department has exceeded its authority in the application, or threatened application, of the rule by negatively impacting a school district's accreditation if the district's board members complete a sixteen hour training program sponsored by a statewide association organized for the benefit of members of boards of education; and
- 3. The Department's enforcement of additional training requirements has created a substantial inequity to those affected in that the rule is unreasonably burdensome and costly in violation of section 536.014, RSMo.;

NOW, THEREFORE, BE IT RESOLVED that the members of the eighty-ninth General Assembly, upon concurrence of a majority of the members of the Senate and a majority of the members of the House of Representatives, hereby permanently revokes 5 CSR 80-850.060(1)(B); and

BE IT FURTHER RESOLVED that a copy of the foregoing be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the revocation upon this resolution having been signed by the Governor or having been approved by two-thirds of each house of the Eighty-ninth General Assembly, Second Regular Session, after veto by the Governor as provided in Article III, Sections 31 and 32, and Article IV, Section 8 of the Missouri Constitution; and

BE IT FURTHER RESOLVED, that a properly inscribed copy be presented to the Governor in accordance with Article IV, Section 8 of the Missouri Constitution.

Senator Caskey moved that **HCR 20** be taken up for adoption, which motion prevailed.

On motion of Senator Caskey, **HCR 20** was adopted by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senator Schneider--1			
Absent with leave--Senators			
Bentley	Curls	Graves--3	

Senator McKenna moved that **HCR 9** be taken up for adoption, which motion prevailed.

On motion of Senator McKenna, **HCR 9** was adopted by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Quick
Rohrbach	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--29

NAYS--Senators--None

Absent--Senators

Mueller

Russell--2

Absent with leave--Senators

Bentley

Curls

Graves--3

Senator Wiggins moved that **HCR 8**, with **SCA 1**, be taken up for adoption, which motion prevailed.

SCA 1 was taken up.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Wiggins, **HCR 8**, as amended, was adopted by the following vote:

YEAS--Senators

Banks

Caskey

Childers

Clay

DePasco

Ehlmann

Flotron

Goode

House

Howard

Jacob

Johnson

Kenney

Kinder

Klarich

Lybyer

Mathewson

Maxwell

McKenna

Mueller

Quick

Rohrbach

Russell

Schneider

Scott

Sims

Singleton

Staples

Westfall

Wiggins

Yeckel--31

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators

Bentley

Curls

Graves--3

Senator Howard offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 42

WHEREAS, Missouri jobs and the future of job and income growth will depend on agricultural innovation; and

WHEREAS, farming is a significant component of Missouri's economy; and

WHEREAS, despite Missourians dedicated efforts, many of the agricultural endeavors that have traditionally provided the economic sustenance for our state are no longer as financially rewarding as in years past; and

WHEREAS, a potentially lucrative new source for agricultural growth is the planting and harvesting of industrial hemp plants which can be the base for many useful and marketable industrial hemp-based goods; and

WHEREAS, in 1997 the Missouri General Assembly considered (and the Senate passed) a bill to reintroduce the cultivation of industrial hemp in the state of Missouri; and

WHEREAS, in the course of the debate it was discovered, in 1860 Missouri was the leading hemp producing state in the nation and derived great profit from the crop, thereby, establishing its viability as an agricultural product and the existence of its markets; and

WHEREAS, members of the General Assembly did find potential economic benefits from the production of industrial hemp, but the state and federal law enforcement communities remain unalterably opposed to the cultivation of industrial hemp, even if such cultivation is limited to research; and

WHEREAS, the Federal Drug Enforcement Administration has not allowed under any circumstances, an exemption to Missouri for the harvesting of industrial hemp plants; and

WHEREAS, farmers in Missouri desire only to harvest plants that have negligible amounts of THC and are not interested in the cultivation of marijuana; and

WHEREAS, the stringent criteria established by the Federal Drug Enforcement Administration present an insurmountable barrier to the initiation of an industrial hemp crop in Missouri(which range from the classification of industrial hemp as a narcotic to extensive security requirements comparable to those of a maximum security prison which houses those convicted of the most heinous crimes); and

WHEREAS, under recently adopted Canadian policies, our neighbors to the north will now be permitted to commercially produce industrial hemp; and

WHEREAS, this economic advantage deprives Missouri of a significant new agriculturally based market:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the Eighty-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the General Assembly strongly urges the Federal Drug Enforcement Administration to review the procedures under which their Canadian counterparts are authorized to sanction the commercial development of industrial hemp, and to consider recommending to the President and Congress of the United States that the federal government adopt the necessary statutes and regulations that would permit similar policies in the United States; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to send a copy of this resolution to the Director of the Federal Drug Enforcement Administration, the members of the Missouri Congressional Delegation and the President of the United States.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 964**--Corrections and General Laws.

HB 1822--Aging, Families and Mental Health.

HOUSE BILLS ON THIRD READING

HB 1734, with **SCS**, introduced by Representative Backer, et al, entitled:

An Act to repeal section 139.210, RSMo 1994, relating to county budgets, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

Was called from the Consent Calendar and taken up by Senator Mathewson.

SCS for **HB 1734**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1734

An Act to repeal section 139.210, RSMo 1994, relating to county budgets, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

Was taken up.

Senator Mathewson moved that **SCS** for **HB 1734** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **HB 1734** was read the 3rd time and passed by the following vote:

YEAS--Senators

Childers	Clay	DePasco	Flotron
Goode	Jacob	Johnson	Lybyer
Mathewson	Maxwell	McKenna	Mueller

Schneider	Scott	Singleton	Staples
Westfall	Wiggins--18		
	NAYS--Senators		
Caskey	Ehlmann	House	Howard
Kenney	Kinder	Klarich	Quick
Rohrbach	Russell	Sims	Yeckel--12
	Absent--Senator Banks--1		
	Absent with leave--Senators		
Bentley	Curls	Graves--3	

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

BILL REFERRALS

President Pro Tem McKenna referred **HCS** for **HB 1315** and **HS** for **HB 1070**, with **SCS**; and **HS** for **HCS** for **HBs 1237, 1409, 1166, 1154 and 1491**, with **SCA 1**, to the Committee on State Budget Control.

HOUSE BILLS ON THIRD READING

HB 1562, introduced by Representatives Relford and Fritts, entitled:

An Act to repeal section 43.260, RSMo 1994, relating to the highway patrol, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator McKenna.

On motion of Senator McKenna, **HB 1562** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senator Banks--1		
	Absent with leave--Senators		
Bentley	Curls	Graves--3	

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Howard moved that **SB 773**, with **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 1** was again taken up.

At the request of Senator Sims, the above substitute amendment was withdrawn.

Senator Sims offered **SSA 2** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 1

Amend Senate Bill No. 773, Page 1, In the Title, Line 3, by inserting after the word "subject" the following: ", with an emergency clause"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

"197.314. 1. The committee shall, by rule promulgated pursuant to chapter 536, RSMo, establish criteria and standards for the relocation or transfer of licensed and available beds from facilities of high bed surplus to facilities of high bed demand. For the purposes of this section, "available beds" refers to existing beds that are in use or can be converted for use within twenty-four hours. The rule shall at a minimum recognize that some areas of the state have more demand for licensed beds than other portions of the state, and where allowable, a surplus of supply should be utilized so that the needs of Missouri's senior citizens are met to the greatest extent possible. Only beds currently licensed and available upon the effective date of this section shall be eligible for the relocation or transfer.

2. The committee shall adopt rules that allow for the relocation or transfer of beds from a facility having high bed surplus to a facility having high bed demand. The committee shall consider the projected census of the aging population and projected need before approving a transfer or relocation.

3. The rules authorized in subsection 2 of this section shall go into effect as soon as practicable after the effective date of this act. Such rules shall terminate on May 30, 1999, unless extended by the general assembly by concurrent resolution prior to that date.

4. The committee may issue a non-applicable certificate of need letter following an expedited process to allow the transfer of beds pursuant to this section. The committee shall, at the start of each year, inform the general assembly by report to the speaker of the house of representatives and the president pro tem of the senate of the number and location of all transfers occurring pursuant to this section."; and

Further amend said bill, Page 2, Section 197.317, Line 23, by inserting after all of said line the following:

"197.324. 1. The provisions of section 197.317 shall not apply to a residential care facility I, residential care facility II, intermediate care facility, and skilled nursing facility if:

(1) On January 1, 2000, the occupancy rate of all residential care facility I and residential care facility II beds in the county of the facility is greater than eighty-five percent; or

(2) On January 1, 2000, the occupancy rate of all nonhospital intermediate care facility and nonhospital skilled nursing facility beds in the county of the facility is greater than eighty-five percent; and

(3) The department of social services has first determined that there presently exists a need for additional beds of that classification in such facility because the occupancy rate over the last four consecutive calendar quarters of all licensed beds in the subject facility of the category proposed to be added exceeds ninety percent, and the facility otherwise appears to qualify for a certificate of need.

Any facility that presents a need for additional beds pursuant to this section may be allowed to expand its licensed bed capacity in the qualifying category up to twenty-five percent, not to exceed thirty beds of its then current licensed capacity in such category. Such an expansion in the number of beds for a single facility shall only occur once in a five year period.

2. Notwithstanding the provisions of subsection 1 of this section, any facility qualified hereunder that receives a certificate of need for additional beds pursuant to this section shall not be allowed to apply for additional beds pursuant to the authority of this section for a period of twenty-four months from the date such certificate was issued, and, in any event, such facility shall be prohibited from transferring any beds of such licensed category for a period of five years.

3. Notwithstanding any other provision of this chapter to the contrary, any skilled nursing facility or intermediate care facility or any residential care facility I or residential care facility II, as defined in section 198.006, RSMo, may reallocate any portion of such facility's current licensed beds to any other facility within the same licensure category if both facilities are under the same ownership and are located within five miles of each other.

Section B. Because of the need to provide additional beds in nursing care facilities in certain communities this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above substitute amendment be adopted.

President Pro Tem McKenna assumed the Chair.

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

Senator Klarich requested a roll call vote be taken on the adoption of **SSA 2** for **SA 1** and was joined in his request by Senators Childers, Jacob, Singleton and Westfall.

Senator Maxwell assumed the Chair.

SSA 2 for **SA 1** failed of adoption by the following vote:

YEAS--Senators			
Clay	Goode	House	Jacob
Lybyer	Mueller	Quick	Rohrbach
Russell	Sims	Singleton	Westfall--12
NAYS--Senators			
Caskey	Childers	DePasco	Ehlmann
Flotron	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	McKenna	Schneider	Scott
Staples	Wiggins	Yeckel--19	

Absent--Senator Banks--1
Absent with leave--Senators
Curls--2

Bentley

Senator Flotron offered **SSA 3** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 3

FOR SENATE AMENDMENT NO. 1

Amend Senate Bill No. 773, Page 2, Section 197.317, Line 23, by inserting immediately after said line the following:

"197.324. 1. The provisions of section 197.317 shall not apply to a residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility only where the department of social services has first determined that there presently exists a need for additional beds of that classification in such facility because the average aggregate occupancy over the last four consecutive calendar quarters of all licensed beds in the subject facility of the category proposed to be added equals or exceeds ninety percent, and the facility otherwise appears to qualify for a certificate of need. Any facility that presents a need for additional beds pursuant to this section shall be allowed to expand its licensed bed capacity in the qualifying category by the greater of twenty-five percent of its then current licensed capacity in such category or thirty such beds, provided that no increase shall be greater than one hundred percent of its current licensed capacity in such category. Any increases allowed by this section shall not take effect until the adoption of a recommendation by the joint interim committee on the certificate of need law that such increases are necessary, adoption by the general assembly of a concurrent resolution approving and recommending such increases authorized by this section, and appropriation by the general assembly of any additional costs caused by any increases allowed by this section.

2. Notwithstanding the provisions of subsection 1 of this section, any facility qualified hereunder that receives a certificate of need for additional beds pursuant to this section shall not be allowed to apply for additional beds pursuant to the authority of this section for a period of twenty-four months from the date such certificate was issued, and, in any event, such facility shall be prohibited from transferring any beds of such licensed category for a period of five years.

3. Notwithstanding any other provision of this chapter to the contrary, any skilled nursing facility or residential care facility I or residential care facility II, as defined in section 198.006, RSMo, may reallocate any portion of such facility's current licensed beds to any other facility within the same licensure category if both facilities are under the same licensure ownership and are located within the same county or within five miles of each other.";
and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above substitute amendment be adopted.

Senator Johnson assumed the Chair.

At the request of Senator Howard, **SB 773**, with **SA 1** and **SSA 3** for **SA 1** (pending), was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SCS for **SB 565**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 565

An Act to repeal sections 210.211, 210.245, 210.251, 210.252, 210.256, 210.516 and 610.120, RSMo 1994, and sections 43.540 and 210.221, RSMo Supp. 1997, relating to the care or supervision of children, and to enact in lieu thereof twenty new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Goode.

Senator Goode moved that **SCS** for **SB 565** be read the 3rd time and finally passed, which motion failed to receive a constitutional majority by the following vote:

YEAS--Senators			
Caskey	Clay	DePasco	Goode
Howard	Jacob	Johnson	Mathewson
Maxwell	Quick	Schneider	Scott
Staples	Wiggins--14		
NAYS--Senators			
Childers	Ehlmann	Flotron	Graves
House	Kenney	Kinder	Klarich
Lybyer	Mueller	Rohrbach	Russell
Sims	Singleton	Westfall	Yeckel--16
Absent--Senators			
Banks	McKenna--2		
Absent with leave--Senators			
Bentley	Curls--2		

SB 566, introduced by Senators Goode and Clay, entitled:

An Act to repeal section 386.570, RSMo 1994, relating to penalties for violation of public service commission orders, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was taken up by Senator Goode.

President Pro Tem McKenna assumed the Chair.

On motion of Senator Goode, **SB 566** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Clay	DePasco	Goode
House	Howard	Jacob	Johnson
Mathewson	Maxwell	McKenna	Quick
Russell	Schneider	Scott	Singleton
Staples	Wiggins--18		
NAYS--Senators			
Childers	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Lybyer
Mueller	Rohrbach	Sims	Westfall
Yeckel--13			
Absent--Senator Banks--1			
Absent with leave--Senators			
Bentley	Curls--2		

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

SCS for SB 871, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 871

An Act to repeal section 660.250, RSMo 1994, relating to protection of the elderly, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Howard.

On motion of Senator Howard, **SCS for SB 871** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Banks--1			
Absent with leave--Senators			
Bentley	Curls--2		

The President Pro Tem declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

SCS for SB 762, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 762

An Act to repeal section 197.200, RSMo 1994, relating to insurance coverage for dental care for children and persons with disabilities, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up by Senator Wiggins.

On motion of Senator Wiggins, **SCS for SB 762** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Banks--1		
	Absent with leave--Senators		
Bentley	Curls--2		

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Caskey moved that **SB 479**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 479**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 479An Act to repeal section 247.040, RSMo Supp. 1997, relating to public water supply districts, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Schneider assumed the Chair.

Senator Caskey moved that **HCS** for **SB 479** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Banks--1		
	Absent with leave--Senators		
Bentley	Curls--2		

On motion of Senator Caskey, **HCS** for **SB 479** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Banks--1			
Absent with leave--Senators			
Bentley	Curls--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Klarich moved that the Senate refuse to concur in **HCS** for **SB 809** and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Mathewson moved that **SB 626**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Banks--1			
Absent with leave--Senators			
Bentley	Curls--2		

On motion of Senator Mathewson, **SB 626**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Graves--1		
	Absent--Senator Banks--1		
	Absent with leave--Senators		
Bentley	Curls--2		

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that **SB 535**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 535**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 535An Act to repeal section 137.115, RSMo 1994, and section 163.011, RSMo Supp. 1997, relating to the assessment of property, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **HCS** for **SB 535** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Banks--1		
	Absent with leave--Senators		
Bentley	Curls--2		

Senator Mathewson assumed the Chair.

On motion of Senator Caskey, **HCS** for **SB 535** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Banks	Scott--2		
Absent with leave--Senators			
Bentley	Curls--2		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Jacob moved that the Senate refuse to concur in **HCS** for **SB 778** and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Childers moved that **SB 526**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 526**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 526An Act to repeal section 315.037, RSMo 1994, relating to lodging establishments, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up.

Senator Childers moved that **HCS** for **SB 526** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			

Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Banks--1		
	Absent with leave--Senators		
Bentley	Curls--2		

On motion of Senator Klarich, **HCS** for **SB 844** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Banks--1		
	Absent with leave--Senators		
Bentley	Curls--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Banks--1		
	Absent with leave--Senators		
Bentley	Curls--2		

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ida H. Early, Republican, 53 Jefferson Road, Webster Groves, St. Louis County, Missouri 63119, as a member of the Missouri Community Service Commission, for a term ending April 23, 2001, and until her successor is duly appointed and qualified; vice, RSMo. 26.607.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Barry E. McKay, 111 McKinley, Hayti, Pemiscot County, Missouri 63851, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jill Ann Miller, 2701 Flintstone, St. Joseph, Buchanan County, Missouri 64505, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Nancy Pope, HCR 76, Box 96-4, Camdenton, Camden County, Missouri 65020, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mark V. Schimweg, 1112 Jackson Street, St. Charles, St. Charles County, Missouri 63301, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Frank A. Farmer, Democrat, 7997 North State Highway AC, Willard, Greene County, Missouri 65781, as a member of the Air Conservation Commission, for a term ending October 13, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas A. Herrmann, Democrat, 707 Dutch Mill Drive, Ballwin, St. Louis County, Missouri 63011, as a member of the Clean Water Commission, for a term ending April 12, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mark D. Jackson, Democrat, 1511 Killian Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Board for Respiratory Care, for a term ending April 3, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Barry M. Kayes, Democrat, 338 North Meramec, St. Louis, St. Louis County, Missouri 63105, as a member of the Air Conservation Commission, for a term ending October 13, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Janet S. Marriott, Republican, 2308 Strader Terrace, St. Joseph, Buchanan County, Missouri 64503, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2003, and until her successor is duly appointed and qualified; vice, Jane Brown, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Russell E. McCampbell, Democrat, 708 Gunnison Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Community Service Commission, for a term ending December 15, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Davis D. Minton, Democrat, 401 South Mulberry, Apartment B, Dexter, Stoddard County, Missouri 63841, as a member of the Clean Water Commission, for a term ending April 12, 2000, and until his successor is duly appointed and qualified; vice, Baughn Merideth, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Edward B. Rucker, Democrat, 3654 Campbell, Kansas City, Jackson County, Missouri 64109, as a member of the Public Defender Commission, for a term ending December 31, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jolene M. Schulz, Democrat, 1716 Stirling Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Community Service Commission, for a term ending December 15, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James F. Summers, Jr., Democrat, 4116 Miller Road, St. Joseph, Buchanan County, Missouri 64505, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2002, and until his successor is duly appointed and qualified; vice, Everett Brown, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Roger B. Wilson, Democrat, 3812 Berrywood, Columbia, Boone County, Missouri 65201, as a member of the Missouri Community Service Commission, for a term ending December 15, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary Joan Wood, Republican, Route 1 Box 70, Cairo, Randolph County, Missouri 65239, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2002, and until her successor is duly appointed and qualified; vice, Jerrilynn Voss, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 536**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 970**, entitled:

An Act relating to the Missouri agricultural and small business development authority.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 897**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 941**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 634**, entitled:

An Act to repeal section 577.023, RSMo 1994, and sections 577.020 and 577.041, RSMo Supp. 1997, relating to motor vehicles, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 790**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1643**, entitled:

An Act to repeal section 376.956, RSMo 1994, relating to a buyer's guide for long-term care insurance, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1626**, entitled:

An Act to repeal section 301.640, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof one new section

relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1736**, entitled:

An Act relating to the family investment trust act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1020**, entitled:

An Act to appropriate money for planning, grants, equipment, lease purchase payments, and for capital improvements including but not limited to additions, renovation, new structures and land improvements, and to transfer money among certain funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

President Pro Tem McKenna assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS** for **SCS** for **SBs 771** and **687**; **SS** for **SCS** for **SBs 852** and **913**; **SS** for **SB 910**; and **SCS** for **SB 698**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SB 470**; **SCS** for **SB 496**; **SB 517**; **SB 558**; **SCS** for **SB 604**; **SB 631**; **SB 701**; **SB 884**; **SB 940**; **SB 793**; **SB 861**; **SB 900**; **SB 719**; and **SB 819**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

On behalf of Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, Senator McKenna submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 868**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Wiggins, Chairman of the Committee on Ways and Means, Senator McKenna submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 818**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, Senator McKenna submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 804**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, Senator McKenna submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 896**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, Senator McKenna submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 805**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Wiggins, Chairman of the Committee on Ways and Means, Senator McKenna submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 933**, begs leave to report that it has considered the same and recommends that the bill do pass.

BILL REFERRALS

President Pro Tem McKenna referred **SS** for **SB 910** and **SS** for **SCS** for **SBs 771** and **687** to the Committee on State Budget Control.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 819**; **SCS** for **SB 470**; **SCS** for **SB 496**; **SB 517**; **SB 558**; **SCS** for **SB 604**; **SB 631**; **SB 701**; **SB 884**; **SB 940**; **SB 793**; **SB 861**; **SB 900**; and **SB 719**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

REFERRALS

President Pro Tem McKenna referred **SCR 42** to the Committee on Rules, Joint Rules and Resolutions.

RESOLUTIONS

Senator Sims offered Senate Resolution No. 1720, regarding Kelly Brown, St. John, which was adopted.

Senator Sims offered Senate Resolution No. 1721, regarding Jennifer Miller, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 1722, regarding Arianne Hartsell, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1723, regarding Andrea Collignon, Cedar Hill, which was adopted.

Senator Sims offered Senate Resolution No. 1724, regarding Jamie Smith, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1725, regarding Michelle Brown, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 1726, regarding Sarah Vaeth, Ste. Genevieve, which was adopted.

Senator Sims offered Senate Resolution No. 1727, regarding Sarah Scheidker, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1728, regarding Danielle King, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1729, regarding Alicia Kulla-Branz, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1730, regarding Susan Schindler, Ballwin, which was adopted.

Senator Sims offered Senate Resolution No. 1731, regarding Amy Sieckmann, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 1732, regarding Lea Troeh, Ste. Genevieve, which was adopted.

Senator Sims offered Senate Resolution No. 1733, regarding Rebecca Radford, St. Clair, which was adopted.

Senator Sims offered Senate Resolution No. 1734, regarding Jennifer Wilhelm, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 1735, regarding Melissa Wetz, Villa Ridge, which was adopted.

Senator Sims offered Senate Resolution No. 1736, regarding Lauren Pfaender, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 1737, regarding Elizabeth Pennycook, St. Louis, which was adopted.

MESSAGES FROM THE GOVERNORThe following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 1998

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 766 entitled:

"AN ACT"

To repeal section 558.019, RSMo 1994, relating to sentencing, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

On April 27, 1998, I approved said Senate Bill No. 766.

Respectfully submitted,

MEL CARNAHAN

Governor

INTRODUCTIONS OF GUESTS

Senator Johnson introduced to the Senate, Jennifer DeHaemers, Kansas City; Howard McCauley, Mel Tyler and Arlene Smith, St. Joseph; and Alicia Saunders, Savannah.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

SIXTIETH DAY--TUESDAY, APRIL 28, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, the Psalmist prayed, "Teach me Thy way Oh Lord and lead me in a plain path." Lord, show us the way to truth and justice. Let us know the right choices and decisions to make. When we know what is right lead us to do what we know to be Your will. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Quick announced that photographers from the Associated Press and the Senate had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Bentley--1

The Lieutenant Governor was present.

HOUSE BILLS ON THIRD READING

HB 1468, introduced by Representative Reynolds, entitled:

An Act to repeal section 71.620, RSMo 1994, relating to prohibiting the imposition of tax on certain professions, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Schneider.

On motion of Senator Schneider, **HB 1468** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Caskey	Childers	Curls	DePasco
Flotron	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Clay	Ehlmann	Goode	Lybyer--4
	Absent with leave--Senators		
Banks	Bentley--2		

The President Pro Tem declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 1304, introduced by Representative Foley, entitled:

An Act to repeal section 79.365, RSMo Supp. 1997, relating to compensation of certain board members, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator DePasco.

On motion of Senator DePasco, **HB 1304** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Caskey	Childers	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Rohrbach--1		
	Absent--Senator Lybyer--1		
	Absent with leave--Senators		
Banks	Bentley--2		

The President Pro Tem declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

HB 944, introduced by Representative Long, entitled:

An Act to repeal sections 51.180 and 51.250, RSMo 1994, relating to county clerks.

Was called from the Consent Calendar and taken up by Senator Russell.

Senator Johnson assumed the Chair.

On motion of Senator Russell, **HB 944** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			
NAYS--Senator Howard--1			
Absent--Senators			
Lybyer	Schneider--2		
Absent with leave--Senators			
Banks	Bentley--2		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

HB 1609, with **SCA 1**, introduced by Representative Shelton (57th), et al, entitled:

An Act to repeal section 84.160, RSMo Supp. 1997, relating to the police force in certain cities, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Scott.

SCA 1 was taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Scott, **HB 1609**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Mueller

Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Lybyer--1		
	Absent with leave--Senators		
Banks	Bentley--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Caskey	Childers	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Singleton--1		
	Absent--Senator Lybyer--1		
	Absent with leave--Senators		
Banks	Bentley--2		

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

HB 1802, introduced by Representative Thomason, entitled:

An Act to repeal section 304.230, RSMo 1994, and section 303.024, RSMo Supp. 1997, and to enact in lieu thereof two new sections for the purpose of the enforcement of the motor vehicle financial responsibility law, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Staples.

On motion of Senator Staples, **HB 1802** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Caskey	Childers	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		

Absent--Senator Lybyer--1

Absent with leave--Senators

Bentley--2

Banks

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 1730, with **SCA 1**, introduced by Representative Townley, entitled:

An Act to repeal section 302.130, RSMo Supp. 1997, relating to the operating of a motor vehicle, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Staples.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **HB 1730**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Caskey	Childers	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins--31	

NAYS--Senators--None

Absent--Senator Yeckel--1

Absent with leave--Senators

Bentley--2

Banks

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

President Pro Tem McKenna assumed the Chair.

HB 1092, introduced by Representative Rizzo, entitled:

An Act to repeal section 301.142, RSMo Supp. 1997, relating to physically disabled license plates and placards, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator DePasco.

On motion of Senator DePasco, **HB 1092** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Russell	Schneider	Scott
Sims	Singleton	Staples	Wiggins
Yeckel--29			
NAYS--Senators			
Rohrbach	Westfall--2		
	Absent--Senator Quick--1		
	Absent with leave--Senators		
Banks	Bentley--2		

The President Pro Tem declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 1410, with **SCA 1**, introduced by Representative Luetkenhaus, entitled:

An Act to repeal section 301.142, RSMo Supp. 1997, relating to physically disabled license plates and placards, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator House.

SCA 1 was taken up.

Senator House moved that the above amendment be adopted, which motion prevailed.

On motion of Senator House, **HB 1410**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Russell	Schneider	Scott	Singleton
Staples	Wiggins	Yeckel--27	
NAYS--Senators			
Quick	Rohrbach	Sims	Westfall--4
	Absent--Senator Mueller--1		
	Absent with leave--Senators		
Banks	Bentley--2		

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 1511, with **SCA 1**, introduced by Representative Koller, entitled:

An Act to repeal section 301.010, RSMo Supp. 1997, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Staples.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **HB 1511**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Banks	Bentley--2		

The President Pro Tem declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 1596, with **SCS**, introduced by Representative Leake, entitled:

An Act to repeal sections 226.950 and 226.975, RSMo Supp. 1997, relating to the preservation of corridors for future state highway construction, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

SCS for **HB 1596**, entitled:

HOUSE BILL NO. 1596

An Act to repeal sections 226.950, 226.955, 226.967 and 226.975, RSMo Supp. 1997, relating to the preservation of corridors for future state highway construction, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **HB 1596** be adopted, which motion prevailed.

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

On motion of Senator Caskey, **SCS** for **HB 1596** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Caskey	Childers	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Graves--1		
	Absent--Senator Staples--1		
	Absent with leave--Senators		
Banks	Bentley--2		

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 1738, regarding Doyle Elvert Price, which was adopted.

Senator Graves offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1739

WHEREAS, upon occasion the members of the Missouri Senate pause to recognize an individual who has excelled in the area of professional endeavor; and

WHEREAS, Wayne Winstead of Northwest Missouri State University in Maryville recently attained an impressive milestone in his illustrious career as a college-level coach; and

WHEREAS, on January 27, 1998, Coach Winstead proudly recorded his 300th career victory while fulfilling his important duties as head coach of the Northwest Missouri State University Women's Basketball Team; and

WHEREAS, Coach Winstead realized this remarkable achievement by giving the utmost of his talent and ability to guide his team to a triumphant

finish over a mighty opponent; and

WHEREAS, during his many years as a college basketball coach, Wayne Winstead has always put forth tremendous effort to help his teams make the best of the challenges which they have faced at games both at home and on the road; and

WHEREAS, Coach Winstead has achieved a considerable degree of success at the helm of a program which remains relatively consistent in continuing a proud tradition of excellence not easily surpassed; and

WHEREAS, Coach Winstead has enjoyed the honor and the distinction of being named MIAA Coach of the Year in 1984-1985 and again in 1990-1991; and

WHEREAS, Coach Winstead entered the history books on yet another occasion when he was inducted into the John Q. Hammons Missouri Sports Hall of Fame in 1994:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, join unanimously in extending hearty congratulations to Coach Winstead as he revels in the glory which accompanies this rare achievement and in wishing him only the best as he continues to instill in his players the desire to excel and the necessity to compete in the spirit of good sportsmanship; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Coach Wayne Winstead, as a mark of our esteem for him.

HOUSE BILLS ON THIRD READING

HCS for **HBs 957** and **1063**, entitled:

An Act to repeal sections 407.400 and 407.413, RSMo 1994, relating to merchandising practices by certain distributors of intoxicating liquor for the sole purpose of enacting in lieu thereof two new sections relating to the same subject.

Was taken up by Senator Schneider.

On motion of Senator Schneider, **HCS** for **HBs 957** and **1063** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Childers	Clay	Curls	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	McKenna	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			
NAYS--Senator Caskey--1			
Absent--Senators			
Maxwell	Quick--2		
Absent with leave--Senators			
Banks	Bentley--2		

The President Pro Tem declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

HCS for **HB 1197**, with **SCS**, was placed on the Informal Calendar.

HJR 39 was placed on the Informal Calendar.

HS for **HCS** for **HB 1323**, with **SCS**, entitled:

An Act to repeal section 370.080, RSMo 1994, relating to membership of credit unions, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up by Senator Scott.

SCS for **HS** for **HCS** for **HB 1323**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1323

An Act to repeal section 370.080, RSMo 1994, relating to membership of credit unions, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up.

Senator Scott moved that **SCS** for **HS** for **HCS** for **HB 1323** be adopted.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1323, Page 3, Section 370.063, Line 27, by inserting after the period "." on said line the following: "**Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in this chapter shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act.**".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Scott moved that **SCS** for **HS** for **HCS** for **HB 1323**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **HS** for **HCS** for **HB 1323**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Caskey	Childers	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob

Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Quick--1		
	Absent with leave--Senators		
Banks	Bentley--2		

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HCS for **HB 1197**, with **SCS**, entitled:

An Act to repeal section 143.805, RSMo 1994, and to enact in lieu thereof seven new sections for the purpose of establishing the family development account program.

Was called from the Informal Calendar and taken up by Senator Maxwell.

SCS for **HCS** for **HB 1197**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1197

An Act to repeal section 143.805, RSMo 1994, and to enact in lieu thereof seven new sections for the purpose of establishing the family development account program.

Was taken up.

Senator Maxwell moved that **SCS** for **HCS** for **HB 1197** be adopted.

Senator Scott assumed the Chair.

At the request of Senator Maxwell, **HCS** for **HB 1197**, with **SCS** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1020**--Appropriations.

HCS for **HB 1626**--Financial and Governmental Organization.

HCS for **HB 1643**--Insurance and Housing.

HCS for **HB 1736**--Public Health and Welfare.

**SECOND READING OF
CONCURRENT RESOLUTIONS**

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

SCR 41--Rules, Joint Rules and Resolutions.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 473**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 724**, entitled:

An Act to repeal section 143.183, RSMo 1994, and section 285.230, RSMo Supp. 1997, relating to state income tax revenue from certain nonresidents, and to enact in lieu thereof two new sections for the sole purpose of providing for state income tax revenues from nonresident entertainers and athletes.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 724, Page 2, Section 143.183, Line 36, by inserting after the word "years," the words "**sixty percent of**"; and

Further amend said bill, Page 2, Section 143.183, Lines 38 and 39, by placing opening and closing brackets around the words "an amount equal to fifty percent of such estimate"; and

Further amend said bill, Page 3, Section 143.183, Line 51, by inserting after the word "**years,**" the words "**ten percent of**"; and

Further amend said bill, Page 3, Section 143.183, Line 54, by deleting the words "**an amount equal to ten percent of such estimate**"; and

Further amend said bill, Page 3, Section 143.183, Line 63, by inserting after the word "**years,**" the words "**ten percent of**"; and

Further amend said bill, Page 3, Section 143.183, Line 66, by deleting the words "**an amount equal to ten percent of such estimate**"; and

Further amend said bill, Page 3, Section 143.183, Line 76, by inserting after the word "**years,**" the words "**ten percent of**"; and

Further amend said bill, Page 3, Section 143.183, Line 79, by deleting the words "**an amount equal to ten percent of such estimate**"; and

Further amend said bill, Page 4, Section 143.183, Line 101, by inserting after the word "**years,**" the words "**ten percent of**"; and

Further amend said bill, Page 3, Section 143.183, Lines 104 and 105, by deleting the words "**an amount equal to ten percent of such estimate**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 854**, entitled:

An Act to repeal sections 333.041, 333.042 and 333.051, RSMo 1994, relating to funeral directing, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1258**, entitled:

An Act relating to certain child care facilities, with an effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1749**, entitled:

An Act to repeal sections 178.661, 178.662, 178.674, 198.012, 198.022, 198.026, 198.029, 198.032 and 198.070, RSMo 1994, and sections 197.317 and 198.067, RSMo Supp. 1997, relating to long-term care, and to enact in lieu thereof sixteen new sections relating to the same subject, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Quick, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

Senator Quick announced that photographers from KDNL-TV had been given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Childers offered Senate Resolution No. 1740, regarding Jeralyn Daugherty, which was adopted.

Senator Sims offered Senate Resolution No. 1741, regarding Dawn Erby, Overland, which was adopted.

Senator Sims offered Senate Resolution No. 1742, regarding Colleen Brennell, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1743, regarding Amy Cline, O'Fallon, which was adopted.

Senator Sims offered Senate Resolution No. 1744, regarding Jamie Sitton, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 1745, regarding Carrie Richardson, Herculaneum, which was adopted.

Senator Sims offered Senate Resolution No. 1746, regarding Crystal Gibson, Herculaneum, which was adopted.

Senator Sims offered Senate Resolution No. 1747, regarding Erin Kerber, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1748, regarding Linda Buder, Eureka, which was adopted.

Senator Sims offered Senate Resolution No. 1749, regarding Carrie Cossey, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 1750, regarding Dana Buder, Eureka, which was adopted.

Senator Sims offered Senate Resolution No. 1751, regarding Denise Ainley, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1752, regarding Becky Boyd, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1753, regarding Melissa Gable, Fenton, which was adopted.

Senator Sims offered Senate Resolution No. 1754, regarding Kim Duncan, Pacific, which was adopted.

Senator Sims offered Senate Resolution No. 1755, regarding Carolyn Hughes, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 1756, regarding Johanna Lee Wurth, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1757, regarding Heather M. Hoogland, Florissant, which was adopted.

Senator Sims offered Senate Resolution No. 1758, regarding Amy Heidotten, Florissant, which was adopted.

Senator Sims offered Senate Resolution No. 1759, regarding Jennifer Haines, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1760, regarding Hannah Willman, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 1761, regarding Jennifer Violet, Fenton, which was adopted.

Senator Kinder offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1762

WHEREAS, Carol Reimann, a first grade teacher at Charles C. Clippard Elementary School in Cape Girardeau, has distinguished herself as the 1998 Missouri Teacher of the Year; and

WHEREAS, Carol Reimann has served as a first grade teacher at Charles C. Clippard Elementary School for fifteen years, during which time she has continually worked to establish a special rapport with her pupils in an educational atmosphere full of love, respect, and success; and

WHEREAS, Carol Reimann's positive approach to teaching sparkles just as brilliantly as the diamonds on her fingers and the sequins on her shoes; and

WHEREAS, Carol Reimann began her long and illustrious tenure as an educator in 1968 as a first grade instructor at May Greene Elementary School, where she spent fourteen productive years; and

WHEREAS, the recipient of numerous honors and awards, Carol Reimann is extremely proud of her professional affiliation with the Missouri State Teachers Association, the Cape Girardeau Community Teachers Association #1, and Alpha Delta Kappa, an international honor sorority for women educators, and her membership with Hanover Lutheran Church, where she serves as a Sunday and Bible School teacher and an Altar Guild and Board of Education member; and

WHEREAS, a breast cancer survivor, Carol Reimann serves as an inspiration to other women with breast cancer as a dedicated volunteer of Reach for Recovery and helps to raise money for breast cancer awareness and research; and

WHEREAS, Carol Reimann considers herself most fortunate to have received the love and support of her wonderful family which includes her devoted husband of thirty years, Paul; and her two children, Stephen and Crystal:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, unanimously join together with all the students, faculty, and staff at Charles C. Clippard Elementary School in extending our most hearty congratulations to Carol Reimann for her selection as the 1998 Teacher of the Year, and in wishing her only the best as she continues to touch the lives of this state's youngest citizens in a positive and meaningful way; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Carol Reimann, as a measure of our esteem for her.

Senator Klarich offered Senate Resolution No. 1763, regarding Wayne Osseck, Union, which was adopted.

Senator Graves offered Senate Resolution No. 1764, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Melvin Bowers, Gower, which was adopted.

Senator Graves offered Senate Resolution No. 1765, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edward Kurtz, which was adopted.

Senator Graves offered Senate Resolution No. 1766, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Brockman, Stewartsville, which was adopted.

Senator Graves offered Senate Resolution No. 1767, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leonard Mix, which was adopted.

Senator Graves offered Senate Resolution No. 1768, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Lambert, Purdin, which was adopted.

Senator Graves offered Senate Resolution No. 1769, regarding the One Hundredth Birthday of Claire Hawk Hawley, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1770, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eugene Baxter, which was adopted.

Senator Graves offered Senate Resolution No. 1771, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Billy S. Coleman, which was adopted.

Senator Graves offered Senate Resolution No. 1772, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Merlin Armstrong, Carrollton, which was adopted.

Senator Graves offered Senate Resolution No. 1773, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edwin Wolcott, Ludlow, which was adopted.

Senator Graves offered Senate Resolution No. 1774, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Darrell Snodderley, Clearmont, which was adopted.

Senator Graves offered Senate Resolution No. 1775, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joseph McDonald, which was adopted.

Senator Graves offered Senate Resolution No. 1776, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Butt, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 1777, regarding Dennis Conover, Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 1778, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Norman Thompson, Osborn, which was adopted.

Senator Graves offered Senate Resolution No. 1779, regarding Melissa Saltzman, which was adopted.

Senator Schneider offered Senate Resolution No. 1780, regarding Eric William Funke, Florissant, which was adopted.

Senator Howard offered Senate Resolution No. 1781, regarding Mrs. Joyce Petty Overby, which was adopted.

Senator Maxwell offered Senate Resolution No. 1782, regarding the One Hundred Fourth Birthday of Blanche Cauthorn, Mexico, which was adopted.

Senator House offered Senate Resolution No. 1783, regarding the Eightieth Birthday of John Gilmer Miller, III, Montgomery City, which was adopted.

Senator House offered Senate Resolution No. 1784, regarding Dominic Daniel (Dom) King, St. Charles, which was adopted.

Senator Mathewson offered Senate Resolution No. 1785, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Nelson W. "Bud" Hinken, Sedalia, which was adopted.

Senator Howard offered Senate Resolution No. 1786, regarding the Fiftieth Anniversary of the Wayne County Health Center, which was adopted.

HOUSE BILLS ON THIRD READING

Senator Maxwell moved that **HCS** for **HB 1197**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 1197** was again taken up.

Senator Maxwell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1197, Page 1, In the Title, Lines 2-3, by striking all of said lines and inserting in lieu thereof the following: "to establish the family development account program"; and

Further amend said bill, pages 1 and 2, section 143.805, lines 1 to 25, by striking all of said section from the bill; and

Further amend enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Clay assumed the Chair.

At the request of Senator Maxwell, **HCS** for **HB 1197**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

HB 1239, introduced by Representative Parker, entitled:

An Act to repeal section 595.209, RSMo Supp. 1997, relating to victims of crime, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Caskey.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 1239, Page 1, Section A, Line 2, by inserting immediately after said line the following:

"452.400. 1. A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical health or impair his emotional development. The court shall define the noncustodial parent's visitation periods in detail at the request of either party. In determining the granting of visitation rights, the court shall consider evidence of domestic violence. If the court finds that domestic violence has occurred, the court may find that granting visitation to the abusive party is in the best interests of the child. The court shall not grant visitation to the parent not granted custody if such parent has been found guilty of or pled guilty to a felony violation, **when the child was the victim**, of chapter 566, RSMo, [when the child was the victim, or a violation of] **or section 568.020, RSMo, [when the child was the victim] or an offense which, if committed in this state, would be a felony violation of chapter 566, RSMo, or section 568.020, RSMo.** The court shall consider the parent's history of inflicting, or tendency to inflict, physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on other persons and shall grant visitation in a manner that best protects the child and the parent or other family or household member who is the victim of domestic violence from any further harm. The court shall make specific findings of fact to show that the visitation arrangements made by the court best protects the child or the parent or other family or household member who is the victim of domestic violence from any further harm.

2. The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical health or impair his emotional development. When a court restricts a parent's visitation rights or when a court orders supervised visitation because of allegations of abuse or domestic violence, a showing of proof of treatment and rehabilitation shall be made to the court before unsupervised visitation may be ordered. "Supervised visitation", as used in this section, is visitation which takes place in the presence of a responsible adult appointed by the court for the protection of the child.

3. The court shall mandate compliance with its order by both the custodial parent and the child. In the event of noncompliance, the noncustodial parent may file a motion for contempt. Upon a finding by the court that its order for visitation has not been complied with, without good cause, the court shall define the noncustodial parent's visitation in detail and shall exercise its discretion in providing a remedy, which shall include, but not be limited to, a compensatory period of visitation or temporary custody at a time convenient for the noncustodial parent not less than the period of time denied, together with a judgment in an amount not less than the reasonable expenses incurred by the noncustodial parent as a result of denial of visitation.

4. The attorney's fees and costs of a proceeding to enforce visitation rights shall be assessed against the parent who unreasonably denies or interferes with visitation. In addition, the court may utilize any and all powers relating to contempt conferred on it by law or rule of the Missouri supreme court."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Bill No. 1239, Page 1, Section A, Line 2, by inserting immediately after said line the following:

"455.540. As used in sections 455.540 to 455.547, the following terms shall mean:

(1) "Adult", any person eighteen years of age or older;

(2) "Domestic violence", any dispute arising between spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past, and adults who have had a child in common regardless of whether they have been married or have resided together at any time;

(3) "Homicide", any crime which may be charged as one of the following: first degree murder pursuant to section 565.020, RSMo; second degree murder pursuant to section 565.021, RSMo; voluntary manslaughter pursuant to section 565.023, RSMo; or involuntary manslaughter pursuant to section 565.024, RSMo.

455.543. 1. In any case involving a homicide where the victim is an adult, the local law enforcement agency with jurisdiction shall make a determination as to whether there is reason to believe the homicide is related to domestic violence.

2. In making such determination, the local law enforcement agency may consider a number of factors including, but not limited to, the following:

(1) The relationship between the perpetrator and the victim;

(2) Whether the victim had previously filed for an order of protection pursuant to chapter 455, RSMo;

(3) Whether such agency has previously investigated or received reports of alleged incidents of domestic violence against the victim; and

(4) Any other evidence regarding the homicide that assists the agency in making its determination.

3. After making a determination as to whether the homicide is related to domestic violence, the chief local law enforcement officer or his designee shall complete an appropriate form stating whether the homicide was related to domestic violence and which shall include the name, gender and age of the victim. The state highway patrol shall develop a form for this purpose which shall be distributed by the department of public safety to all local law enforcement agencies by October 1, 1998. Completed forms shall be forwarded to the highway patrol no later than seven days after a suspect is arrested for the homicide.

455.545. The highway patrol shall compile an annual report of homicides related to domestic violence. Such report shall be presented by February first of the subsequent year to the governor, speaker of the house of representatives, and president pro tempore of the senate.

455.547. Any employee of a law enforcement agency who, in good faith, completes and sends a form pursuant to section 455.543 shall be immune from liability."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered SA 3:

SENATE AMENDMENT NO. 3

Amend House Bill No. 1239, Page 1, Section A, Line 2, by inserting after said line the following:

"577.068. 1. A person commits the crime of leaving the scene of a shooting when, being in possession of a firearm or projectile weapon as defined in section 571.010, RSMo, such person discharges such firearm or projectile weapon and causes injury or death to another person and such person, knowing that he has caused such injury or death, leaves the place of the shooting without giving his name, address, and driver's license number, if applicable, to a law enforcement officer. If no such officer is in the vicinity where the shooting occurs, the person must provide such information to the nearest police station or law enforcement officer. A person is not in violation of this section if he leaves the scene of a shooting in order to obtain medical assistance or contact law

enforcement authorities to notify them of the shooting, so long as such person returns to the scene of the shooting or otherwise provides the information required by this section to a law enforcement officer within a reasonable time after the shooting.

2. All peace officers and reserve peace officers certified under the provisions of chapter 590, RSMo, shall have authority to investigate shootings and arrest a person who violates subsection 1 of this section, except that conservation agents may enforce such provisions as to hunting related shootings. For the purpose of this section, a hunting related shooting shall be defined as any shooting in which a person is injured as a result of hunting activity that involves the discharge of a hunting weapon.

3. Leaving the scene of a shooting is a class A misdemeanor, except that it is a class D felony if the person has previously pled guilty to or been found guilty of a violation of this section."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend House Bill No. 1239, Page 1, Section 595.209, Lines 7-9, by striking the bold face type appearing in said lines.

Senator Schneider moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 4** and was joined in his request by Senators Childers, Kinder, Sims and Westfall.

Senator Ehlmann offered **SSA 1** for **SA 4**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 4

Amend House Bill No. 1239, Page 1, Section 595.209, Line 10, by adding the following: "unless excluded by order of the court where presence of witness would be prejudicial".

Senator Ehlmann moved that the above substitute amendment be adopted.

Senator Schneider offered **SA 1** to **SSA 1** for **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 4

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 4 to House Bill No. 1239, Page 1, by adding the following: "or so long as the prosecuting attorney has assured that the victim will not be called as a witness by the prosecution, or at any time after said alleged victim has testified".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

SSA 1 for **SA 4**, as amended, was again taken up.

Senator Ehlmann moved that the above substitute amendment be adopted, which motion prevailed.

On motion of Senator Caskey, **HB 1239**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Scott Staples--2

Absent with leave--Senator Bentley--1

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Maxwell moved that **HCS** for **HB 1197**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **1197**, as amended, was again taken up.

Senator Maxwell offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1197, Page 4, Section 3, Line 4, by striking the word "may" and inserting in lieu thereof the following: "**shall be allowed to**".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1197, Page 6, Section 6, Line 6, by inserting after all of said line the following: "**Section 7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in sections 1 to 6 shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act.**"; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

President Pro Tem McKenna assumed the Chair.

Senator Ehlmann offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1197, Page 4, Section 3, Line 2, by deleting the word "two", and inserting the word "three"; and

Further amend said page, line 7, by inserting after the word "at", the words "grades six through twelve of a primary or secondary school or".

Senator Ehlmann moved that the above amendment be adopted.

Senator Clay assumed the Chair.

Senator Jacob raised the point of order that **SA 4** is out of order in that the amendment exceeds the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

President Pro Tem McKenna assumed the Chair.

Senators Schneider and Flotron offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1197, Page 1, Section 143.805, Line 1, by inserting immediately before said line the following:

"143.111. The Missouri taxable income of a resident shall be his Missouri adjusted gross income less:

(1) Either[:] the Missouri standard deduction or the Missouri itemized deduction[.];

(2) The Missouri deduction for personal exemptions[.];

(3) The Missouri deduction for dependency exemptions[.];

(4) The deduction for federal income taxes provided in section 143.171; **and**

(5) The deduction for tuition, attendance fees, school supplies, and transportation costs provided in section 143.122.

143.122. In addition to the amounts to be subtracted from a resident's Missouri adjusted gross income to determine Missouri taxable income under the provisions of section 143.111, there shall be subtracted the amount the taxpayer has paid to others for each dependent in grades nine through twelve, for tuition, attendance fees, school supplies, and transportation costs for or on behalf of each dependent in attending a secondary school situated in Missouri, up to a maximum of two thousand five hundred dollars for each dependent.

143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax

liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after January 1, 1994, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

3. For all tax years beginning on or after September 1, 1993, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year.

5. For all tax years beginning on or after January 1, 1999, a corporate taxpayer shall be allowed a deduction for the amount the taxpayer has paid to others for any pupil or pupils in grades nine through twelve for tuition, attendance fees, school supplies, and transportation costs for or on behalf of any pupil or pupils attending a secondary school situated in Missouri, up to a maximum of two thousand five hundred dollars for any pupil.";
and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above substitute amendment be adopted.

At the request of Senator Maxwell, **HCS for HB 1197**, with **SCS, SA 4** and **SSA 1 for SA 4** (pending), was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SS for SCS for SBs 852 and 913, introduced by Senator Quick, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 852 and 913

An Act to repeal sections 30.270, 361.080, 362.044, 362.245, 362.250, 408.551, 408.653, 490.250 and 513.430, RSMo 1994, and sections 319.100, 319.131, 362.413, 408.140, 427.125 and 473.543, RSMo Supp. 1997, and to enact in lieu thereof twenty new sections relating to banking.

Was taken up.

On motion of Senator Quick, **SS for SCS for SBs 852 and 913** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Bentley--1

The President Pro Tem declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

SCS for SB 698, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 698

An Act relating to the family investment trust act.

Was taken up by Senator Maxwell.

At the request of Senator Maxwell, **SCS for SB 698** was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS for SBs 813 and 864; SCS for SB 802; SCS for SB 613; and SCS for SB 522**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SCS for SB 802, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 802

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to state historic sites, with an emergency clause.

Was taken up by Senator Curls.

On motion of Senator Curls, **SCS** for **SB 802** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Curls
DePasco	Goode	House	Howard
Jacob	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Schneider	Scott	Sims	Staples
Wiggins	Yeckel--22		
NAYS--Senators			
Flotron	Graves	Kenney	Kinder
Klarich	Rohrbach	Russell	Singleton
Westfall--9			
Absent--Senators			
Clay	Ehlmann--2		
Absent with leave--Senator Bentley--1			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
Curls	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Schneider	Scott	Sims	Staples
Wiggins	Yeckel--26		
NAYS--Senators			
Ehlmann	Kenney	Kinder	Rohrbach
Russell	Singleton	Westfall--7	
Absent--Senators--None			
Absent with leave--Senator Bentley--1			

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Lybyer moved that motion lay on the table, which motion prevailed.

Senator Westfall moved that the vote by which **SCS** for **SB 802** was 3rd read and finally passed be reconsidered.

Senator Scott raised the point of order that the motion for reconsideration was out of order in that there had been no intervening business.

President Pro Tem McKenna ruled the point of order well taken.

SCS for **SBs 813** and **864**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 813 and 864

An Act to repeal sections 155.010 and 305.230, RSMo 1994, section 144.805, RSMo Supp. 1997, and section 17 as enacted by conference committee substitute for house committee substitute for senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly, relating to aviation, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up by Senator Flotron.

On motion of Senator Flotron, **SCS** for **SBs 813** and **864** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Rohrbach	Russell
Singleton	Staples	Westfall	Wiggins--28
NAYS--Senators			
Schneider	Scott	Sims	Yeckel--4
Absent--Senator Quick--1			
Absent with leave--Senator Bentley--1			

The President Pro Tem declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SCS for **SB 613**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 613

An Act to amend chapter 66, RSMo, by adding thereto one new section relating to water service lines in certain counties, with an emergency clause.

Was taken up by Senator Goode.

On motion of Senator Goode, **SCS** for **SB 613** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall

Wiggins

Yeckel--30

NAYS--Senators

Flotron

Kinder--2

Absent--Senator Quick--1

Absent with leave--Senator Bentley--1

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Banks

Curls

Goode

Jacob

Klarich

McKenna

Schneider

Westfall

Caskey

DePasco

Graves

Johnson

Lybyer

Mueller

Sims

Wiggins

Childers

Ehlmann

House

Kenney

Mathewson

Rohrbach

Singleton

Yeckel--31

Clay

Flotron

Howard

Kinder

Maxwell

Russell

Staples

NAYS--Senators--None

Absent--Senators

Quick

Scott--2

Absent with leave--Senator Bentley--1

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

SCS for **SB 522**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 522

An Act to repeal sections 302.291 and 302.292, RSMo 1994, and to enact in lieu thereof two new sections relating to the reporting and examination of impaired drivers, with penalty provisions and an emergency clause.

Was taken up by Senator Sims.

On motion of Senator Sims, **SCS for SB 522** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks

Curls

Goode

Johnson

Mathewson

Schneider

Staples

Caskey

DePasco

Graves

Kenney

Maxwell

Scott

Westfall

Childers

Ehlmann

House

Klarich

McKenna

Sims

Wiggins

Clay

Flotron

Jacob

Lybyer

Quick

Singleton

Yeckel--28

NAYS--Senators

Howard	Mueller	Rohrbach	Russell--4
	Absent--Senator Kinder--1		
	Absent with leave--Senator Bentley--1		

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Banks	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Quick	Schneider
Scott	Sims	Staples	Wiggins
Yeckel--25			
	NAYS--Senators		
Clay	Howard	Mueller	Rohrbach
Russell	Singleton	Westfall--7	
	Absent--Senator Curls--1		
	Absent with leave--Senator Bentley--1		

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 809** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 778** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 778**: Representatives: Hoppe, Foley, Rizzo, Greisheimer, Edwards-Pavia.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 809**: Representatives: Hoppe, Scheve, Gibbons, Reynolds, Levin.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SB 778**, with **HCS**: Senators Jacob, Clay, Caskey, Childers and Mueller.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SB 809**, with **HCS**: Senators Scott, Staples, Clay, Klarich and Ehlmann.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator McKenna submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HCS** for **HB 1167**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTIONS OF GUESTS

Senator Flotron introduced to the Senate, fifty students from Rose Acres School, St. Louis.

Senator Rohrbach introduced to the Senate, Pat Reed, and twenty-five seventh grade students from St. Andrews School, Tipton.

Senator Rohrbach introduced to the Senate, Susan Dial, and eighth grade students from Blackwater R-II School, Blackwater.

Senator Childers introduced to the Senate, Kathy Barrett, and eighth grade students from Dora School, Ozark County.

Senator Mathewson introduced to the Senate, Rich Cole, and his daughters, Abbey and Maggie, Lexington; and Abbey and Maggie were made honorary pages.

Senator Jacob introduced to the Senate, Nancy Ralls and Laurie Plog, Columbia; and Laurie was made an honorary page.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Frank Rieger, M.D., Columbia.

Senator Russell introduced to the Senate, Merlene Smith, and forty-six eighth grade students from Stoutland.

Senator Howard introduced to the Senate, Dimple Malloy and Rose Griffin, Malden.

Senator Graves introduced to the Senate, Valerie Haas, eleven adults and thirty-seven fourth through sixth grade students from Bosworth R-V School, Bosworth.

Senator Flotron introduced to the Senate, Denise, Andrew and David McClanahan; and T.J. McDonough, Homeschoolers from Hazelwood.

Senator Russell introduced to the Senate, Debra Burgard, and sixth grade students from Manes Elementary School, Wright County.

Senator Schneider introduced to the Senate, Jerome Pulley, and students from Common Lane Elementary School, St. Louis; and Jamar Seard, Stephanie Willet, Lynne Christenson and Chris Strong were made honorary pages.

Senator Singleton introduced to the Senate, Dave Wallace, Dale Blanchard, Robin Dill, Tracy Erwin, Scott Fields, Mike Gayman, John Good, Cathy Lamp, Brian Marlow, Shala Rogler, James Smith, Jasa Suiter, Clive Veri, Ron Watford, Tracey Osborne and Melinda Bayless, members of Leadership Joplin.

Senator Kinder introduced to the Senate, Paul and Carol Reimann, Cape Girardeau.

Senator DePasco introduced to the Senate, Pat Fedo, Rachael Hertlein, Rodney Meyer and Melinda Shikles, Independence; and Pat, Rachael,

Rodney and Melinda were made honorary pages.

Senator Klarich introduced to the Senate, twenty-eight eighth grade students from Spring Bluff Elementary School, Franklin County.

Senator Rohrbach introduced to the Senate, Alma and Steve Sanue, Portland, Oregon.

Senator Sims introduced to the Senate, twenty-seven fifth grade students from Our Lady of the Pillar School, St. Louis.

Senator Howard introduced to the Senate, Ben, Anna Beth and Emily Counce, Caruthersville; and Anna Beth and Emily were made honorary pages.

Senator Wiggins introduced to the Senate, students, parents and faculty from Boone Elementary School, Kansas City; and Clinton Stanton, Krystle Oliphant, Emily Barth, John Coughlin and Cordes Fishback were made honorary pages.

Senator Ehlmann introduced to the Senate, Cathy Davis, Weldon Springs Heights; Vicky Boedeker, Wentzville; Bob Morder, St. Charles; and Ed Hayek, Lake St. Louis.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FIRST DAY--WEDNESDAY, APRIL 29, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we don't understand why it is so easy to hate and so difficult to truly love one another. We pray for Divine guidance as we deal with one another. Help us to be loving even when others aren't, to respect everyone even when they are disrespectful of us. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 1787, regarding James L. Rackers, Jefferson City, which was adopted.

CONCURRENT RESOLUTIONS

Senator Wiggins offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 43

BE IT RESOLVED by the Senate of the Eighty-ninth General Assembly, Second Regular Session, the House of Representatives concurring therein, that the Missouri Committee on Legislative Research shall prepare and cause to be collated, indexed, printed and bound all acts and resolutions of the Eighty-ninth General Assembly, Second Regular Session, and shall examine the printed copies and compare them with and correct the same by the original rolls, together with an attestation under the hand of the Revisor of Statutes that he has compared the same with the original rolls in his

office and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws and the size and style of type shall be determined by the Revisor of Statutes; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research is authorized to print and bind copies of the acts and resolutions of the Eighty-ninth General Assembly, Second Regular Session, with appropriate indexing; and

BE IT FURTHER RESOLVED that the Revisor of Statutes is authorized to determine the number of copies to be printed.

Senator Wiggins requested unanimous consent of the Senate to suspend the rules and take **SCR 43** up for adoption, which request was granted.

On motion of Senator Wiggins, **SCR 43** was adopted by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	DePasco
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None			
Absent--Senators			
Clay	Curls	Ehlmann	Scott--4
Absent with leave--Senator Bentley--1			

BILL REFERRALS

President Pro Tem McKenna referred **HCS** for **HB 1167**, with **SCS**, to the Committee on State Budget Control.

HOUSE BILLS ON THIRD READING

HB 1419, with **SCA 1**, introduced by Representatives Riback Wilson and Holand, entitled:

An Act to repeal section 210.030, RSMo 1994, relating to blood tests for pregnant women, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Jacob.

SCA 1 was taken up.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Jacob, **HB 1419**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell

McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Schneider--1			
Absent with leave--Senator Bentley--1			

The President Pro Tem declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

HB 898, introduced by Representative Heckemeyer, entitled:

An Act to repeal section 34.140, RSMo Supp. 1997, relating to certain state property, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Staples.

On motion of Senator Staples, **HB 898** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senator Kinder--1			
Absent--Senators--None			
Absent with leave--Senator Bentley--1			

The President Pro Tem declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

HB 931, introduced by Representative Carter, entitled:

An Act to repeal section 542.301, RSMo 1994, relating to the disposition of evidence, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Banks.

On motion of Senator Banks, **HB 931** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Caskey	Childers	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Clay	Scott	Staples--3
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Absent with leave--Senator Bentley--1

The President Pro Tem declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 1103, introduced by Representative May (108th), entitled:

An Act relating to the construction of the durable power of attorney statutes.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 1103** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Caskey	Childers	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Clay--1

Absent with leave--Senator Bentley--1

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 1107, introduced by Representative May (108th), entitled:

An Act to amend chapter 456, RSMo, relating to trusts and estates of decedents and persons under disability by adding thereto one new section relating to compensation of trustees.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 1107** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Curls
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Clay	Ehlmann	Quick--3	
Absent with leave--Senator Bentley--1			

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

HB 1508, introduced by Representative Relford, et al, entitled:

An Act to repeal section 558.019, RSMo 1994, relating to prior and persistent offenders, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Maxwell.

On motion of Senator Maxwell, **HB 1508** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
Curls	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator DePasco--1			
Absent with leave--Senator Bentley--1			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Banks	Caskey	Childers	Clay
Curls	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator DePasco--1

Absent with leave--Senator Bentley--1

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

HB 1779, with **SCS**, introduced by Representatives Riback Wilson and Clayton, entitled:

An Act to repeal section 566.030, RSMo 1994, relating to forcible rape, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was taken up by Senator Yeckel.

SCS for **HB 1779**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1779

An Act to repeal sections 566.030 and 566.060, RSMo 1994, relating to crimes and punishment, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Yeckel moved that **SCS** for **HB 1779** be adopted.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1779, Page 2, Section 566.060, Line 13, by inserting immediately after said line the following:

"570.103. 1. As used in sections 570.103 and 570.105, the following words mean:

(1) "Counterfeit mark", any unauthorized reproduction or copy of intellectual property or intellectual property affixed to any item knowingly sold, offered for sale, manufactured, or distributed, or identifying services offered or rendered, without the authority of the owner of the intellectual property;

(2) "Intellectual property", any trademark, service mark, trade name, label, term, device, design, or word adopted or used by a person to identify such person's goods or services;

(3) "Retail value", the counterfeiter's regular selling price for the item or service bearing or identified by the counterfeit mark. In the case of items bearing a counterfeit mark which are components of a finished product, the retail value shall be the counterfeiter's regular selling price of the finished product on or in which the component would be utilized.

2. Any person who willfully manufactures, uses, displays, advertises, distributes, offers for sale, sells, or possesses with intent to sell or distribute any item, or services, bearing or identified by a counterfeit mark, shall be guilty of the crime of counterfeiting. A person having possession, custody or control of more than twenty-five items bearing a counterfeit mark shall be presumed to possess said items with intent to sell or distribute.

3. Counterfeiting shall be a class A misdemeanor, except as provided in subsections 4 and 5 of this section.

4. Counterfeiting shall be a class D felony if:

(1) The defendant has previously been convicted under this section; or

(2) The violation involves more than one hundred but fewer than one thousand items bearing a counterfeit mark or the total retail value of all items bearing, or services identified by, a counterfeit mark is more than one thousand dollars, but less than ten thousand dollars.

5. Counterfeiting shall be a class C felony if:

(1) The defendant has been previously convicted of two or more offenses under this section;

(2) The violation involves the manufacture or production of items bearing counterfeit marks; or

(3) The violation involves one thousand or more items bearing a counterfeit mark or the total retail value of all items bearing, or services identified by, a counterfeit mark is more than ten thousand dollars.

6. For purposes of this section, the quantity or retail value of items or services shall include the aggregate quantity or retail value of all items bearing, or services identified by, every counterfeit mark the defendant manufactures, uses, displays, advertises, distributes, offers for sale, sells or possesses.

7. Any person convicted of counterfeiting shall be fined an amount up to three times the retail value of the items bearing, or services identified by, a counterfeit mark, unless extenuating circumstances are shown by the defendant.

8. The remedies provided for herein shall be cumulative to the other civil remedies provided by law.

9. Any state or federal certificate of registration of any intellectual property shall be prima facie evidence of the facts stated therein.

570.105. 1. Any items bearing a counterfeit mark, and all personal property, including but not limited to, any items, objects, tools, machines, equipment, instrumentalities or vehicles of any kind, employed or used in connection with a violation of section 570.103 or this section shall be seized by any law enforcement officer. All seized personal property shall be forfeited in accordance with section 513.600, et seq.

2. Upon the request of the intellectual property owner, all seized items bearing a counterfeit mark shall be released to the intellectual property owner for destruction or disposition. If the intellectual property owner does not request release of seized items bearing a counterfeit mark, such items shall be destroyed unless the intellectual property owner consents to another disposition."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel moved that **SCS** for **HB 1779**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **HB 1779**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Schneider--1

Absent with leave--Senator Bentley--1

The President Pro Tem declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

HB 1274 was placed on the Informal Calendar.

HB 1869, with **SCS**, was placed on the Informal Calendar.

HB 927, with **SCS**, introduced by Representative Hosmer, et al, entitled:

An Act to repeal section 36.150, RSMo 1994 and section 105.473, RSMo Supp. 1997, relating to certain political activities, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Maxwell.

SCS for **HB 927**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 927

An Act to repeal section 36.150, RSMo 1994, and section 105.473, RSMo Supp. 1997, relating to certain political activities, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Maxwell moved that **SCS** for **HB 927** be adopted.

Senator Maxwell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 927, Page 1, Section A, Line 3, by deleting the number "105.155, 105.156, 105.157, 105.158" and inserting in lieu thereof the following: "36.152, 36.155, 36.157, 36.159"; and

Further amend said bill, Page 2, Section 105.155, Line 1, by deleting all of said line and inserting in lieu thereof the following: "**36.152. For the purposes of sections 36.152 to 36.159, the following terms**"; and

Further amend said bill, Page 2, Section 105.156, Line 1, by deleting the number "**105.156.**" and inserting in lieu thereof the number "**36.155.**"; and

Further amend said bill, Page 3, Section 105.157, Line 1, by deleting the number "**105.157.**" and inserting in lieu thereof the number "**36.157.**"; and

Further amend said bill, Page 3, Section 105.158, Line 1, by deleting the number "**105.158.**" and inserting in lieu thereof the number "**36.159.**".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator Johnson announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

President Pro Tem McKenna assumed the Chair.

Senator Flotron offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 927, Page 6, Section 105.473, Line 107, by inserting immediately after said line the following:

"Section 1. No state agency and no state official shall, by agency policy, executive order, ethics codes or any other means, prohibit any state employee from communicating with his or her state representative or state senator, nor shall such agency or official require any such employee to provide any record or other information regarding any communications with his or her state representative or state senator, except when such communications are directly related to the primary employment duties of such employee."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Caskey offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for House Bill No. 927, Page 1, Section 1, Line 2, by inserting after "official" on said line: ", **including the Joint Committee on Legislative Research and the Oversight Division**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

At the request of Senator Maxwell, **HB 927**, with **SCS** and **SA 2**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1734** and has again taken up and passed **SCS** for **HB 1734**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1609** and has again taken up and passed **HB 1609** as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1730** and has again taken up and passed **HB 1730** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1511** and has again taken up and passed **HB 1511** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1596** and has again taken up and passed **SCS** for **HB 1596**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCA 1** to **HB 1410** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Senator Maxwell assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 1258--Ways and Means.

RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 1788, regarding the St. Charles West High School Warriors Wrestling Team, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1789, regarding Mark Vollmar, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1790, regarding Gary Oxford, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1791, regarding John Lorenson, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1792, regarding Erin McGuire, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1793, regarding Shawn Belville, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1794, regarding Jake Newsham, St. Charles, which was adopted.

Senator Graves offered Senate Resolution No. 1795, regarding the Eightieth Birthday of Mrs. Roberta Rose (Dickinson) Dooley, Carrollton, which was adopted.

Senator Childers offered Senate Resolution No. 1796, regarding Kylie Oaks, Reeds Spring, which was adopted.

On motion of Senator Quick, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1797, regarding the One Hundredth Birthday of Ms. Elizabeth Mohler, Warrensburg, which was adopted.

Senator Jacob offered Senate Resolution No. 1798, regarding Jeremy Estes, Columbia, which was adopted.

Senator Russell offered Senate Resolution No. 1799, regarding the Board of Directors of the Lake of the Ozarks Community Bridge Corporation, which was adopted.

Senator McKenna offered Senate Resolution No. 1800, regarding Adam Greminger, Festus, which was adopted.

Senator McKenna offered Senate Resolution No. 1801, regarding Mike Ravenscraft, Festus, which was adopted.

Senator Bentley offered Senate Resolution No. 1802, regarding Superintendent James K. Tice, Strafford R-VI School District, which was adopted.

HOUSE BILLS ON THIRD READING

Senator Maxwell moved that **HB 927**, with **SCS** and **SA 2**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Westfall offered **SA 2** to **SA 2**:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for House Bill No. 927, Page 1, Section 1, Line 5 of said amendment, by inserting immediately after the word "senator" the following: "**while off duty, on annual leave or with permission of their supervisor**".

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 927, Page 3, Section 105.157, Line 3, by inserting after all of said line the following:

"(3) By utilizing any state resources or facilities;"; and

Further renumber the remaining subdivisions accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 927, Page 3, Section 105.158, Line 9, by adding immediately after the word **"imprisonment."** on said line the following: **"Any person convicted of a violation of this section shall lose their position in the agency."**

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 927, Page 2, Section 36.150, Line 23, by striking the opening bracket "[" ; and further amend line 29, by striking the closing bracket "]".

Senator Flotron moved that the above amendment be adopted.

Senator Maxwell requested a roll call vote be taken on the adoption of **SA 5** and was joined in his request by Senators Caskey, Childers, Russell and Westfall.

Senator Johnson assumed the Chair.

Senator Flotron offered **SSA 1** for **SA 5**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 927, Page 2, Section 36.150, Lines 23 and 29, by striking the brackets and further amend said bill, line 25, by striking "or affairs".

Senator Flotron moved that the above substitute amendment be adopted.

Senator Maxwell requested a roll call vote be taken on the adoption of **SSA 1** for **SA 5** and was joined in his request by Senators Kinder, Caskey, Russell and Westfall.

The roll call vote was taken on **SSA 1** for **SA 5**.

Senator Flotron requested verification of the roll.

Senator Ehlmann raised the point of order that a request had been made for verification of the roll and members were

allowed to vote who were not present before the verification request.

Senator Staples raised a point of order that a request for verification is not allowed during the time the roll is being called.

Senator Maxwell raised the point of order that after a verification of the roll has been requested, members present in the Chamber should be allowed to vote.

President Pro Tem McKenna ruled that members present in the Chamber at the time of verification were eligible to vote. Members who were not present at the time the verification was requested would not be allowed to vote.

SSA 1 for SA 5 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Sims
Westfall	Yeckel--14		
NAYS--Senators			
Banks	Caskey	Clay	Curls
DePasco	Goode	House	Howard
Jacob	Johnson	Lybyer	Mathewson
Maxwell	Staples	Wiggins--15	
Absent--Senators			
McKenna	Quick	Schneider	Scott
Singleton--5			
Absent with leave--Senators--None			

At the request of Senator Flotron, **SA 5** was withdrawn.

Senator Flotron offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Bill No. 927, Page 3, Section 105.157, Line 2, by inserting after all of said line the following:

"(2) During normal working hours, regardless of whether the employee is on duty;"; and further renumber the remaining subdivisions accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Bill No. 927, Page 2, Section 105.155, Line 4, by striking the words "an appointive position" and inserting in lieu thereof the following: **"a position subject to the provisions of chapter 36, RSMo"**; and

Further amend said bill, page 3, section 105.156, line 7, by striking the following: ", except on a voluntary basis".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Bill No. 927, Page 2, Section 105.155, Line 7, by inserting after "RSMo" the following: ";

(4) "Political activity", any activity in support of or opposition to a political party, candidate, ballot measure, or committee as defined in section 103.011, RSMo. For the purposes of this act, political activity shall include the publishing, circulation or distribution of any printed matter as defined in subsection 8 of section 130.031; however, it shall not be construed to be a political activity to display a political sign on any private motor vehicle or at any private residence"; and

Further amend said bill, page 2, section 105.156, line 3, by striking the word "may" and inserting in lieu thereof the word "**shall**"; and

Further amend said bill, Page 3, Section 105.157, Line 1, by striking the word "may" and inserting in lieu thereof the word "**shall**"; and further amend line 5, by striking the word "or"; and further amend line 7, by inserting after "state" the following: ";

(5) When using any privately owned vehicle while receiving compensation for mileage by the state or any agency or instrumentality of the state".

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Bill No. 927, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"36.030. 1. A system of personnel administration based on merit principles and designed to secure efficient administration is established for all offices, positions and employees, except attorneys, of the department of social services, the department of corrections, the department of health, **the department of revenue**, the department of natural resources, the department of mental health, the division of personnel and other divisions and units of the office of administration, the division of employment security, mine safety and on-site consultation sections of the division of labor standards and administration operations of the department of labor and industrial relations, the division of tourism and job development and training, the Missouri housing development commission, and the office of public counsel of the department of economic development, the Missouri state water patrol, the Missouri veterans commission, capitol police and state emergency management agency of the department of public safety, such other agencies as may be designated by law, and such other agencies as may be required to maintain personnel standards on a merit basis by federal law or regulations for grant-in-aid programs; except that, the following offices and positions of these agencies are not subject to this chapter and may be filled without regard to its provisions:

(1) Other provisions of the law notwithstanding, members of boards and commissions, departmental directors, five principal assistants designated by the departmental directors, division directors, and three principal assistants designated by each division director; except that, these exemptions shall not apply to the division of personnel;

(2) One principal assistant for each board or commission, the members of which are appointed by the governor or by a director of the department;

(3) Chaplains and attorneys regularly employed or appointed in any department or division subject to this chapter, except as provided in section 36.031;

(4) Persons employed in work assignments with a geographic location principally outside the state of Missouri and other persons whose employment is such that selection by competitive examination and standard classification and compensation practices are not practical under all the circumstances as determined by the board by rule;

(5) Patients or inmates in state charitable, penal and correctional institutions who may also be employees in the institutions;

(6) Persons employed in an internship capacity in a state department or institution as a part of their formal training, at a college, university, business, trade or other technical school; except that, by appropriate resolution of the governing authorities of any department or institution, the personnel division may be called upon to assist in selecting persons to be appointed to internship positions;

(7) The administrative head of each state medical, penal and correctional institution, as warranted by the size and complexity of the organization and as approved by the board;

(8) Deputies or other policymaking assistants to the exempt head of each division of service, as warranted by the size or complexity of the organization and in accordance with the rules promulgated by the personnel advisory board;

(9) Special assistants as designated by an appointing authority; except that, the number of such special assistants shall not exceed one percent of a department's total authorized full-time equivalent workforce;

(10) Merit status shall be retained by present incumbents of positions identified in this section which have previously been subject to this chapter.

2. All positions in the executive branch transferred to coverage pursuant to this chapter where incumbents of such positions have at least twelve months' prior service on the effective date of such transfer shall have incumbency preference and shall be permitted to retain their positions, provided they meet qualification standards acceptable to the division of personnel of the office of administration. An employee with less than twelve months of prior service on the effective date of such transfer or an employee who is appointed to such position after the effective date of such transfer and prior to the classification and allocation of the position by the division of personnel shall be permitted to retain his or her position, provided he or she meets acceptable qualification standards and subject to successful completion of a working test period which shall not exceed twelve months of total service in the position. After the allocation of any position to an established classification, such position shall thereafter be filled only in accordance with all provisions of this chapter.

3. The system of personnel administration governs the appointment, promotion, transfer, layoff, removal and discipline of employees and officers and other incidents of employment in divisions of service subject to this chapter, and all appointments and promotions to positions subject to this chapter shall be made on the basis of merit and fitness.

4. To encourage all state employees to improve the quality of state services, increase the efficiency of state work operations, and reduce the costs of state programs, the director of the division of personnel shall establish employee recognition programs, including a statewide employee suggestion system. The director shall determine reasonable rules and shall provide reasonable standards for determining the monetary awards, not to exceed five thousand dollars, under the employee suggestion system. Awards shall be made from funds appropriated for this purpose.

5. At the request of the senate or the house of representatives, the commissioner of administration shall submit a report on the employee suggestion award program described in subsection 4 of this section."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Ehlmann offered **SA 1** to **SA 9**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Committee Substitute for House Bill No. 927, Page 5, Section 36.030, Line 7, by adding the following: "any changes to section 36.030 RSMo contained in this act will become effective on January 1, 2001.".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

SA 9, as amended, was again taken up.

Senator Westfall moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Klarich, Childers, Ehlmann and Yeckel.

SA 9, as amended, failed of adoption by the following vote:

YEAS--Senators

Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Sims
Singleton	Westfall	Wiggins	Yeckel--16

NAYS--Senators

Caskey	Clay	Curls	DePasco
Goode	House	Howard	Jacob
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Quick	Scott	Staples--16

Absent--Senators

Banks Schneider--2

Absent with leave--Senators--None

Senator Kinder offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Bill No. 927, Page 3, Section 105.155, Line 9, by deleting the word "; or" and adding the following: "unless he or she takes a leave of absence at least sixty days prior to the election"; and

Further amend said bill, page 2, section 105.155, line 5, by adding the following "or any public higher education institution located in the State of Missouri.".

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Bill No. 927, Page 3, Section 105.158, Line 9, by adding after the period on said line the following: "**Any person who makes a false accusation against another individual concerning an action punishable under this section shall be subject to the same penalty as would apply to the person subject to the false accusation.**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Bill No. 927, Page 3, Section 105.158, Line 5, by inserting behind the period on line 5 the words: **"No employee of this state shall discriminate against, discipline, or otherwise create a preference for or against any employee subject to such persons authority as a consequence of such employee's political belief or expression of such belief."**

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for House Bill No. 927, Page 2, Section 105.156, Line 5, by striking the following: "or affecting".

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for House Bill No. 927, Page 6, Section 105.473, Line 107, by inserting immediately after said line the following:

"13. Each lobbyist or lobbyist principal shall disclose the amount of compensation received in the preceding calendar year for his or her lobbying activities in the state of Missouri, from any one client. Such disclosure shall be filed with the Missouri ethics commission no later than March fifteenth of each year and shall include disclosure of compensation for all lobbying activities in the previous calendar year."

Senator Ehlmann moved that the above amendment be adopted.

Senator Ehlmann offered **SSA 1** for **SA 14**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for House Bill No. 927, Page 6, Section 105.473, Line 107, by inserting immediately after said line the following:

"13. Each lobbyist or lobbyist principal shall disclose the amount of compensation received from a client in the preceding calendar year for his or her lobbying activities if the sum of the compensation received from a client for lobbying activities exceeds twenty-seven thousand five hundred eighty dollars. Compensation for other activities, including lobbying activities in areas other than state government, shall not be used in determining the total amount of compensation. Such disclosure shall be filed with the Missouri ethics commission no later than March fifteenth of each year and shall include disclosure of compensation as provided in this section."

Senator Ehlmann moved that the above substitute amendment be adopted.

Senator Ehlmann offered **SA 1** to **SSA 1** for **SA 14**:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 14

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 14 to Senate Committee Substitute for House Bill No. 927, Page 1, Line 6, by deleting the words: "twenty-seven thousand five hundred eighty" and insert the words: "one hundred thousand dollars".

Senator Ehlmann moved that the above amendment be adopted.

Senator Ehlmann offered **SSA 1** for **SA 1** to **SSA 1** for **SA 14**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 14

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 14 to Senate Committee Substitute for House Bill No. 927, Page 1, Section 105.473, Lines 2-4, by deleting said lines and inserting the following: "13. If the sum of"; and

Further amend said page, line 6, by deleting said line and inserting the following: "exceeds one hundred thousand dollars in the previous calendar year for his or her lobbying activities in the State of Missouri, each lobbyist or lobbyist principal shall disclose that fact.".

Senator Ehlmann moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Rohrbach, Singleton, Childers and Kenney.

Senator Johnson assumed the Chair.

SSA 1 for **SA 1** to **SSA 1** for **SA 14** failed of adoption by the following vote:

YEAS--Senators

Childers	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Rohrbach
Russell	Singleton	Westfall--11	

NAYS--Senators

Banks	Bentley	Caskey	Curls
DePasco	Goode	House	Howard
Jacob	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Schneider	Scott	Sims	Wiggins
Yeckel--21			

Absent--Senators

Clay Staples--2

Absent with leave--Senators--None

At the request of Senator Ehlmann, **SA 1** to **SSA 1** for **SA 14**, **SSA 1** for **SA 14** and **SA 14** were withdrawn.

Senator Rohrbach offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Committee Substitute for House Bill No. 927, Page 3, Section 105.158, Line 9, by inserting immediately after said line the following:

"105.470. [As used in section 105.473, unless the context requires otherwise,] **Unless otherwise defined in this chapter**, the following words and terms mean:

(1) "Executive lobbyist", any natural person who acts for the purpose of attempting to influence any action by the executive branch of government or by any elected or appointed official, employee, department, division, agency or board or commission thereof and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment on behalf of or for the benefit of such person's employer; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the executive branch of state government in connection with such activity. An "executive lobbyist" shall not include a member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

a. Appearing or inquiring in regard to a complaint, citation, summons, adversary proceeding, or contested case before a state board, commission, department, division or agency of the executive branch of government or any elected or appointed officer or employee thereof;

b. Preparing, filing or inquiring, or responding to any audit, regarding any tax return, any public document, permit or contract, any application for any permit or license or certificate, or any document required or requested to be filed with the state or a political subdivision;

c. Selling of goods or services to be paid for by public funds, provided that such person is attempting to influence only the person authorized to authorize or enter into a contract to purchase the goods or services being offered for sale;

d. Participating in public hearings or public proceedings on rules, grants, or other matters;

e. Responding to any request for information made by any public official or employee of the executive branch of government;

f. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic;

g. Acting within the scope of employment by the general assembly, or acting within the scope of employment by the executive branch of government when acting with respect to the department, division, board, commission, agency or elected state officer by which such person is employed, or with respect to any duty or authority imposed by law to perform any action in conjunction with any other public official or state employee; or

h. Testifying as a witness before a state board, commission or agency of the executive branch;

(2) "Expenditure", any payment made or charge, expense, cost, debt or bill incurred; any gift[, honorarium] or item of value bestowed including any food or beverage; any price, charge or fee which is waived, forgiven, reduced or indefinitely delayed; any loan or debt which is canceled, reduced or otherwise forgiven; the transfer of any item with a

reasonably discernible cost or fair market value from one person to another or provision of any service or granting of any opportunity for which a charge is customarily made, without charge or for a reduced charge; except that the term "expenditure" shall not include the following:

- (a) Any item, service or thing of value transferred to any person within the third degree of consanguinity of the transferor which is unrelated to any activity of the transferor as a lobbyist;
- (b) Informational material such as books, reports, pamphlets, calendars or periodicals informing a public official regarding such person's official duties, or souvenirs or mementos valued at less than ten dollars;
- (c) Contributions to the public official's campaign committee or candidate committee which are reported pursuant to the provisions of chapter 130, RSMo;
- (d) Any loan made or other credit accommodations granted or other payments made by any person or entity which extends credit or makes loan accommodations or such payments in the regular ordinary scope and course of business, provided that such are extended, made or granted in the ordinary course of such person's or entity's business to persons who are not public officials;
- (e) Any item, service or thing of de minimis value offered to the general public, whether or not the recipient is a public official or a staff member, employee, spouse or dependent child of a public official, and only if the grant of the item, service or thing of de minimis value is not motivated in any way by the recipient's status as a public official or staff member, employee, spouse or dependent child of a public official;
- (f) The transfer of any item, provision of any service or granting of any opportunity with a reasonably discernible cost or fair market value when such item, service or opportunity is necessary for a public official or employee to perform his or her duty in his or her official capacity, including but not limited to entrance fees to any sporting event, museum, or other venue when the official or employee is participating in a ceremony, public presentation or official meeting therein;
- (g) Any payment, gift, compensation, fee, expenditure or anything of value which is bestowed upon or given to any public official or a staff member, employee, spouse or dependent child of a public official when it is compensation for employment or given as an employment benefit and when such employment is in addition to their employment as a public official;

(3) "Honorarium", includes any payment of money or anything of value for an appearance, speech, article or any other purpose which does not constitute compensation or a fee for services rendered; honorarium does not include any actual and necessary expenses incurred in making an appearance or speech or in writing an article or article of nominal value;

[(3)] (4) "Judicial lobbyist", any natural person who acts for the purpose of attempting to influence any purchasing decision by the judicial branch of government or by any elected or appointed official or any employee thereof and in connection with such activity, meets the requirements of any one or more of the following:

- (a) Is acting in the ordinary course of employment which primary purpose is to influence the judiciary in its purchasing decisions on a regular basis on behalf of or for the benefit of such person's employer, except that this shall not apply to any person who engages in lobbying on an occasional basis only and not as a regular pattern of conduct; or
- (b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or
- (c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation or association; or
- (d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the judicial branch of state government in connection with attempting to influence such purchasing decisions by the judiciary. A "judicial lobbyist" shall not include a member of the general assembly, an elected state official, or any other person solely due to

such person's participation in any of the following activities:

- a. Appearing or inquiring in regard to a complaint, citation, summons, adversary proceeding, or contested case before a state court;
- b. Participating in public hearings or public proceedings on rules, grants, or other matters;
- c. Responding to any request for information made by any judge or employee of the judicial branch of government;
- d. Preparing, distributing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic; or
- e. Acting within the scope of employment by the general assembly, or acting within the scope of employment by the executive branch of government when acting with respect to the department, division, board, commission, agency or elected state officer by which such person is employed, or with respect to any duty or authority imposed by law to perform any action in conjunction with any other public official or state employee;

[(4)] **(5)** "Legislative lobbyist", any natural person who acts for the purpose of attempting to influence the taking, passage, amendment, delay or defeat of any official action on any bill, resolution, amendment, nomination, appointment, report or any other action or any other matter pending or proposed in a legislative committee in either house of the general assembly, or in any matter which may be the subject of action by the general assembly and in connection with such activity, meets the requirements of any one or more of the following:

- (a) Is acting in the ordinary course of employment, which primary purpose is to influence legislation on a regular basis, on behalf of or for the benefit of such person's employer, except that this shall not apply to any person who engages in lobbying on an occasional basis only and not as a regular pattern of conduct; or
- (b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or
- (c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; or
- (d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the legislative branch of state government in connection with such activity. A "legislative lobbyist" shall include an attorney at law engaged in activities on behalf of any person unless excluded by any of the following exceptions. A "legislative lobbyist" shall not include any member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

- a. Responding to any request for information made by any public official or employee of the legislative branch of government;
- b. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic;
- c. Acting within the scope of employment of the legislative branch of government when acting with respect to the general assembly or any member thereof;
- d. Testifying as a witness before the general assembly or any committee thereof;

[(5)] **(6)** "Lobbyist", any natural person defined as an executive lobbyist, judicial lobbyist or a legislative lobbyist;

[(6)] **(7)** "Lobbyist principal", any person, business entity, governmental entity, religious organization, nonprofit corporation or association who employs, contracts for pay or otherwise compensates a lobbyist;

[(7)] **(8)** "Public official", any member or member-elect of the general assembly, judge or judicial officer, or any other

person holding an elective office of state government or any agency head, department director or division director of state government or any member of any state board or commission and any [designated] decision-making public servant designated by persons described in this subdivision."; and

Further amend said bill, page 4, Section 105.473, line 32, by striking the following: "honoraria"; and

Further amend said bill and section, page 5, line 67, by inserting immediately after said line the following:

"5. Lobbyists and lobbyist principals shall not provide admission to sporting events which occur outside the state.

6. No lobbyist or lobbyist principal shall offer an honorarium to a public official and no public official shall knowingly accept an honorarium from a lobbyist or lobbyist principal."; and further amend said section, by renumbering the remaining subsections accordingly; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Committee Substitute for House Bill No. 927, Page 6, Section 105.473, Line 107, by inserting immediately after all of said line the following:

"Section 1. 1. No state agency shall release the personal information of any state employee without the consent of the employee. As used in this section, personal information shall mean the home address and home phone number of the employee.

2. This section shall not apply to the following:

(1) Any release necessary to comply with any federal law or any specific state law;

(2) Releases for authorized use by any federal agency, state agency, court of law or law enforcement agency; and

(3) Motor vehicle and driver's license information subject to sections 32.090 and 32.091, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell moved that **SCS** for **HB 927**, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **HB 927**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kinder	Lybyer	Mathewson
Maxwell	McKenna	Quick	Rohrbach
Russell	Schneider	Singleton	Staples
Westfall	Wiggins--26		

NAYS--Senators

Flotron	Kenney	Klarich	Mueller
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Sims	Yeckel--6
	Absent--Senators
Clay	Scott--2
	Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 1763 was placed on the Informal Calendar.

At the request of Senator Wiggins, **HB 1507**, with **SCS**, was placed on the Informal Calendar.

HB 1274, introduced by Representative Farnen, et al, entitled:

An Act to amend chapter 660, RSMo, relating to the department of social services by adding thereto one new section relating to head start programs.

Was called from the Informal Calendar and taken up by Senator Bentley.

Senator Rohrbach offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 1274, Page 3, Section 6, Lines 51-56, by deleting all of said lines and inserting in lieu thereof the following:

"6. Subject to appropriations, the state may, through non exclusive competitive grants on contracts available to other providers, contract with head start grantees to provide early child care and development services."

Senator Rohrbach moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

At the request of Senator Bentley, **HB 1274**, with **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HS** for **HCS** for **HB 1323**, with **SA 1**, and has again taken up and passed **SCS** for **HS** for **HCS** for **HB 1323**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1891**, entitled:

An Act to repeal sections 571.070 and 571.090, RSMo 1994, and section 571.030, RSMo Supp. 1997, relating to certain weapons offenses, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions and a referendum clause.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 883**, entitled:

An Act to repeal sections 226.040 and 226.140, RSMo 1994, and section 226.005, RSMo Supp. 1997, relating to transportation, and to enact in lieu thereof four new sections relating to the same subject.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 2 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment No. 5, House Substitute Amendment No. 1 for House Amendment No. 6, House Amendments Nos. 7, 8 and 9.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 883, Page 5, by inserting after all of said line the following:

"71.288. 1. [Any city that maintains the city engineer or other similar city official on the planning commission shall have the authority to place any restriction upon the height, spacing and lighting or outdoor advertising structures placed within the view of any highway within the city. Such ordinance may be more restrictive than sections 226.500 to 226.600, RSMo] **Any city or county shall have the authority to adopt regulations with respect to outdoor advertising that are more restrictive than the height, size, lighting and spacing provisions of sections 226.500 to 226.600, RSMo.**

2. No city [that elects to govern outdoor advertising structures as provided in subsection 1] **or county** shall have the authority to impose a fee of more than five hundred dollars for the initial inspection of an outdoor advertising structure, nor may the city **or county** impose a business tax on an outdoor advertising structure of more than [one hundred dollars per year] **two per cent of the gross annual revenue produced by the outdoor advertising structure within that city or county.**"; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Committee Substitute for Senate Bill No. 883, Page 1, Line 13, by deleting #3 and inserting in lieu thereof the following:

"The state auditor shall, where practical use, but shall not be limited to, the data and information developed for and provided by the report required pursuant to subdivision (1) of subsection 2 of section 21.795 RSMo, when performing an audit authorized by section 29.210 RSMo."

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 883, Page 2, Section 21.795, Lines 16 and 17, by deleting the words "**October fifteenth**" and inserting in lieu thereof the words "**November tenth**"; and

Further amend said bill, Page 2, Section 21.795, Line 30, by deleting the word "**by**" and inserting in lieu thereof the words "**made by, or on behalf of,**"; and

Further amend said bill, Page 4, Section 226.040, Lines 1 and 2, by deleting the following: ", **with the advice and consent of the senate**,"; and

Further amend said bill, Page 5, Section 226.140, Line 11, by inserting after all of said line the following:

"3. The state auditor shall, to the extent practicable, utilize the data and information developed for, and provided by, the report required pursuant to subdivision (1) of subsection 2 of section 21.795, RSMo, when performing an audit authorized by section 29.210, RSMo."

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Bill No. 883, Pages 1 and 2, Section 2, Lines 14-16, by deleting the words "shall be rendered null and void and the contractor shall forfeit all rights and claims under the contract" and inserting in lieu thereof the following: "**shall be fined up to twenty percent of the base contract**".

HOUSE AMENDMENT NO. 2 TO

HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to House Committee Substitute for Senate Bill No. 883, Page 2, Line 17, by adding the following: "All general contractors who knowingly contract with any subcontractor who violates the provisions listed in section 2 of this section shall be fined in amount not to exceed twice the fine assessed on the subcontractor".

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 883, Page 1, In the Title, Line 3, by deleting the word "four" and inserting in lieu thereof the word "five"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "four" and inserting in lieu thereof the word "five"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the following: "226.040 and 226.140" and inserting in lieu thereof the following: "226.040, 226.140 and 1"; and

Further amend said bill, Page 5, Section 226.140, Line 11, by inserting immediately after all of said line the following:

"Section 2. In the event any contractor performing work pursuant to a contract to which this state is a party is found to knowingly employ an illegal alien, such contract shall be rendered null and void and the contractor shall forfeit all rights and claims under the contract and shall not be eligible to be considered for future state contracts for two years."

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 883, Page 2, Section 21.795, Line 33, by adding one new section:

(d) Total state and federal revenue compared to the revenue estimate in the 15 year highway plan as adopted in 1992."

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 883, Page 3, Section 21.795, Line 53, by adding after the end

of said line, "notwithstanding any other section of law the department of transportation shall be required to complete the fifteen year plan within fifteen years of the date the plan was implemented.".

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 883, Page 1, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal sections 23.150, 23.160, 23.170, 23.180, 23.190, 33.825, 33.827, 33.819, 33.831, 226.040, 227.140 and 326.100, RSMo 1994, and sections 23.1400, 226.005 and 326.210, RSMo Supp. 1997, relating to the oversight of certain state departments, and to enact in lieu thereof twelve new sections relating to the"; and

Further amend said bill, Page 1, Section A, Lines 1 through 4, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 23.150, 23.160, 23.170, 23.180, 23.190, 33.825, 33.827, 33.829, 33.831, 116.040, 226.140 and 326.100, RSMo 1994, and sections 23.140, 226.005 and 326.210, RSMo Supp. 1997, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 21.795, 23.140, 23.150, 23.160, 23.170, 23.180, 23.190, 226.005, 226.040, 226.140, 326.100 and 326.210, to read as follows:"; and

Further amend said bill, Page 3, Section 21.795, Line 77, by inserting after all of said line the following:

"23.140. 1. Legislation, with the exception of appropriation bills, introduced into either house of the general assembly shall, before being acted upon, be submitted to the oversight division of the committee on legislative research for the preparation of a fiscal note. The staff of the oversight division shall prepare a fiscal note, examining the items contained in subsection 2 and such additional items as may be provided either by joint rule of the house and senate or by resolution adopted by the committee or the oversight subcommittee.

2. The fiscal note shall state:

(1) The cost of the proposed legislation to the state for the next two fiscal years;

(2) Whether or not the proposed legislation will establish a program or agency that will duplicate an existing program or agency;

(3) Whether or not there is a federal mandate for the program or agency;

(4) Whether or not the proposed program or agency will have significant direct fiscal impact upon any political subdivision of the state;

(5) Whether or not any new physical facilities will be required; and

(6) Whether or not the proposed legislation will have an economic impact on small businesses. For the purpose of this subdivision "small business" means a corporation, partnership, sole proprietorship or other business entity, including its affiliates, that:

(a) Is independently owned and operated; and

(b) Employs fifty or fewer full-time employees.

3. The fiscal note for a bill shall accompany the bill throughout its course of passage. No member of the general assembly, lobbyist or persons other than oversight division staff members shall participate in the preparation of any fiscal note unless the communication is in writing, with a duplicate to be filed with the fiscal note or unless requested for information by the fiscal analyst preparing the note. Violations of this provision shall be reported to the chairman of the legislative research committee and subject the fiscal note and proposed bill to subcommittee review. Once a fiscal note has been signed and approved by the director of the oversight division, the note shall not be changed or revised

without prior approval of the chairman of the legislative research committee, except to reflect changes made in the bill it accompanies, or to correct patent typographical, clerical or drafting errors that do not involve changes of substance, nor shall substitution be made therefor. Appeals to revise, change or to substitute a fiscal note shall be made in writing by a member of the general assembly to the chairman of the legislative research committee and a hearing before the committee or subcommittee shall be granted as soon as possible. Any member of the general assembly, upon presentation of new or additional material, may, within three legislative days after the hearing on the request to revise, change or substitute a fiscal note, request one rehearing before the full committee to further consider the requested change. The subcommittee, if satisfied that new or additional material has been presented, may recommend such rehearing to the full committee, and the rehearing shall be held as soon as possible thereafter.

4. The director of the division, hereinafter provided for, or the director's designees, shall seek information and advice from the affected department, division or agency of state government and shall call upon the research staffs of the house of representatives and of the senate, and upon the staffs of the house and senate appropriations committees for assistance in carrying out fiscal notes and [auditing] **other** functions and duties, during the interim, and each staff shall supply such information or advice as it may possess in response to the inquiry. [The state auditor shall, upon request, cooperate and provide assistance in the conduct of audits and the preparation of reports made in connection therewith.]

23.150. 1. The committee on legislative research shall organize an oversight division to prepare fiscal notes and to [conduct management audits and program audits of state agencies] **perform fiscal analyses and conduct performance evaluations and expenditure reviews of agencies, departments, bureaus, divisions, authorities, commissions, offices or institutions, educational or otherwise, of the state, or any political subdivision thereof which shall include all county governments and agencies thereof, all city governments and agencies thereof, and all public school districts and agencies thereof to the extent that they receive funds appropriated by the general assembly. Such analyses, evaluations and reviews may be conducted pursuant to a resolution adopted by the committee upon a request from a member or committee of the general assembly or pursuant to a duly adopted concurrent resolution of the general assembly for the purpose of obtaining information necessary to legislative decisions as to future funding of agencies by appropriation and other aspects of the lawmaking process.** The committee may form a subcommittee of not less than six members to provide direct supervision of the personnel and practices of the division. The subcommittee shall consist of one-half of the members appointed by the chairman from the house which he represents and one-half of the members appointed by the vice chairman from the house which he represents.

2. Within the limits of the appropriations made for this division, the committee shall employ a director of the oversight division and other personnel as it deems necessary. The director shall be qualified by training and experience to conduct such [audits, and he] **analyses, evaluations and reviews, and** shall be directly responsible for those activities. The director of the oversight division, with the consent of the joint committee, may employ personnel necessary to carry out the duties prescribed in this chapter. Persons employed to work in the oversight division shall be professional persons possessing a wide knowledge and demonstrated expertise in governmental programming and financial planning, in conducting program review evaluations and analytic studies, and of federal, state, and local government budgetary processes, laws and regulations of the state of Missouri. [Office space, furniture and equipment formerly assigned to the committee on state fiscal affairs, and appropriations made therefor, shall be transferred to the committee on legislative research.]

23.160. [1.] As used in this chapter, [the term "management audit" means a postaudit which determines, with regard to the purpose, functions, and duties of an audited agency:

- (1) Whether the agency is managing and utilizing its resources in an economical and efficient manner; and
- (2) Which identifies causes of inefficiencies or uneconomical practices including inadequacies in the use and management of information systems, internal and administrative procedures, organizational structure, use of resources, allocation of personnel, and purchasing policies.

2. As used in this chapter, the term "program audit" means a postaudit which determines and evaluates program performance according to program objectives, responsibilities, and duties as set forth by statute or regulation. Program audits, in accordance with generally accepted program evaluation standards, shall determine:

(1) Whether the program is being performed and administered as authorized or required by law, and whether this action conforms with statutory intent;

(2) Whether the objectives and intended benefits are being achieved, and whether efficiently and effectively;

(3) Benefits derived from any program in relation to the expenditures made therefor; and

(4) Whether the program duplicates, overlaps, or conflicts with any other state program. A program audit may include determinations within the scope of a management audit to the extent necessary or appropriate to the conduct of a particular program audit.

3. As used in this chapter, the term "resources" includes appropriated funds, federal funds, grants, and personnel, and also includes equipment and space, whether assigned, owned or leased.

4. As used in this chapter, the term "agency" includes each department and office within the executive branch of government and each identifiable unit thereof, including institutions of higher learning, and each identifiable unit of the legislative and judicial branches of government.] **the following terms mean:**

(1) **"Agency", an agency, department, bureau, division, authority, commission, office or institution, educational or otherwise, of the state, or any political subdivision thereof which shall include all county governments and agencies thereof, all city governments and agencies thereof, and all public school districts and agencies thereof, which receive funds appropriated by the general assembly;**

(2) **"Expenditure review", an examination made at some point after the completion of a transaction or a group of transactions for the overall purpose of advising the general assembly of the proper funding levels;**

(3) **"Performance evaluation", an examination of the effectiveness of the administration, its sufficiency and its adequacy in terms and the programs of the agency authorized by law to be performed for the purpose of making legislative changes. Such evaluations shall include, but not be limited to:**

(a) **How effectively the programs are administered;**

(b) **Benefits of each program in relation to the expenditures;**

(c) **Goals of programs;**

(d) **Development of indicators by which the success or failure of a program may be gauged;**

(e) **Review conformity of programs with legislative intent;**

(f) **Impact of federal grant programs on agency programs.**

23.170. 1. The oversight division of the committee on legislative research shall, pursuant to a duly adopted concurrent resolution of the general assembly, or pursuant to a resolution adopted by the committee on legislative research, [conduct management audits and program audits] **perform fiscal analyses and conduct performance evaluations and expenditure reviews** of agencies as directed by any such resolution. **The purpose of such analyses, evaluations and reviews shall be to gather information necessary to the general assembly's consideration of proposed legislation, including, but not limited to, appropriations bills.**

2. The staff of any agency subject to a [management or program audit] **fiscal analysis, performance evaluation or expenditure review** shall fully cooperate with the staff of the oversight division and shall provide all necessary information and assistance for such an [audit] **analysis, evaluation or review**. All records of an agency[, unless otherwise expressly declared by law to be confidential,] may be inspected by the oversight division staff while conducting the [audit] **fiscal analysis, performance evaluation or expenditure review**, and the agency subject to the [audit] **fiscal analysis, performance evaluation or expenditure review** shall afford the oversight division staff with

ample opportunity to observe agency operations. **All records of an agency which are exempt from disclosure by state law, shall remain exempt when in the possession of the oversight division.**

3. All [audits] **fiscal analyses, performance evaluations or expenditure reviews** shall be completed within one year unless an extension is authorized by the committee[, but progress reports shall be made to the committee at least monthly]. The subcommittee supervising the oversight division shall meet [monthly] **as needed** to review progress [reports] **on work of the oversight division**, hear requests for changes in fiscal notes, and provide supervision for the oversight division staff **as directed by the committee on legislative research.**

4. Any member of the general assembly and any committee of either house of the general assembly may submit requests for [audits] **fiscal analyses, performance evaluations or expenditure reviews** to the committee on legislative research[, and any agency may request an audit of its operations] **for the purpose of obtaining information which would be needed in determining future appropriations of public funds.** Requests may also be made pursuant to **obtaining information necessary for the drafting of proposed legislation.**

23.180. The committee may:

(1) Subpoena and examine witnesses by subpoena issued under the hand of the speaker of the house or the president pro tem of the senate and may require the appearance of any person and [the production of any paper or document] **issue subpoenas duces tecum** in the same manner. **All such process shall be executed by the sergeant at arms of the house of representatives or senate, or by a special messenger appointed for that purpose and shall extend to all parts of the state. The subpoenas and subpoenas duces tecum may be enforced as authorized by the Constitution or as provided by statutory or common law, or by applying to a judge of the circuit court of Cole County or the county of the investigation, hearing or proceeding, or any county where the person or entity that has been subpoenaed resides or may be found, for an order to show cause why the subpoena or subpoena duces tecum should not be enforced. The order and a copy of the application therefor shall be served in the same manner as a summons in a civil action, and if, after hearing, the court determines that the subpoena or subpoena duces tecum should be sustained and enforced, the court shall enforce the subpoena or subpoena duces tecum in the same manner as if it had been issued by the court in a civil action;**

(2) Cause witnesses appearing before the committee or the staff of the division to give testimony under oath;

(3) Require that testimony given or a record of the proceedings of any hearing be recorded by an official court reporter or other competent person, under oath, in writing or by electronic, magnetic, or mechanical sound or video recording devices. Any such transcript or record, when certified by the reporter or recorder, shall be prima facie a correct statement of the testimony or proceedings.

23.190. [1. In making audits the division shall make recommendations and suggestions, in writing, to the personnel of the agency being audited. Such personnel shall be given an opportunity to respond, in writing, to those recommendations and suggestions. Thereafter, as soon as practicable after completion of the audit, the committee shall issue a public report of the audit. The report shall contain recommendations for changes in practices and policies as well as recommendations for changes in statutes and regulations, and shall contain the response of the agency involved. Each report shall be a public record and shall be signed by the committee chairman. Each report shall be presented to the governor and the agency involved. Copies may be made available to members of the general assembly and to the general public. The committee may charge a fee to recover publication costs for copies made available to the general public.

2. One year after completion of each audit, the oversight division shall review the operations of the agency audited to determine whether or not there has been substantial compliance with the recommendations contained in the report, and if not, a further review shall be conducted at the end of another year. In each instance a further report shall be made and distributed in the same manner as an initial report is made and distributed.] **The committee shall issue fiscal analysis reports, performance evaluation reports and expenditure review reports, in a public hearing of the committee on legislative research or any other affected committee, and any such report shall be a public record. Reports may contain, but need not be limited to, recommendations for changes in statutes or regulations, as well as changes in funding levels. Reports may also contain recommendations for changes in policies and procedures when it**

appears that such recommendations would be helpful to agency management but such recommendations would not be binding on the agency. All recommendations shall be communicated to the appropriate legislative committees. A copy of the report, signed by the chairman of the committee and the director of the oversight division, shall be submitted to each member of the legislature. The report shall also be submitted to the governor and to the official, officer, or person in charge of the agency evaluated for their consideration in the submission of annual budgets to the legislature."; and

Further amend said bill, Page 5, Section 226.140, Line 11, by inserting after all of said line the following:

"326.100. All statements, records, schedules and memoranda, commonly known as working papers, made by a certified public accountant or a public accountant, or by an employee of either, incident to or in the course of professional service to clients, except reports delivered to a client, shall be and remain the property of such certified public accountant or public accountant, in the absence of a written agreement between the accountant and the client to the contrary. This section does not apply to a certified public accountant employed by a government agency with respect to work produced in the performance of their duties as a government employee.

326.210. 1. Permits to engage in the practice of public accounting in this state shall be issued by the board, upon payment of the fee as prescribed pursuant to section 326.200, to holders of the certificates of certified public accountants issued pursuant to section 326.060, and to holders of public accountant certificates, who shall have furnished evidence satisfactory to the board of compliance with the requirements of subsection 2 of this section, and to firms, partnerships and corporations registered pursuant to section 326.040 or 326.050. All permits shall expire on the permit renewal date and may be renewed for each licensing period upon payment of the renewal fee as prescribed pursuant to section 326.200. A permit holder whose permit has expired and who has not renewed the person's permit within two months of the permit renewal date may renew the person's permit upon payment of the permit fee together with a delinquent fee. No permit shall be renewed more than two years after expiration. Permits to engage in the practice of public accounting shall not be issued to the holder of a certificate issued by this state pursuant to section 326.060 until such person shall have had:

(1) Two years' experience acceptable to the board in the practice of public accounting under the supervision of a certified public accountant holding a certificate and live permit from this or another state, which experience shall include, but not be limited to, two years' experience in the practice of [public] **governmental accounting or auditing** under the supervision of the state auditor who is a certified public accountant holding a certificate and live permit from this or another state **or two years' experience in the practice of fiscal analysis, performance evaluation and expenditure review for the committee on legislative research under the supervision of the director of the oversight division who is a certified public accountant holding a certificate and live permit from this or another state;** or

(2) At least two years of satisfactory experience acceptable to the board as a certified public accountant in the legal practice of public accounting in another state while holding a live permit to practice from the other state; or

(3) Four years' experience acceptable to the board in the practice of governmental accounting, budgeting or auditing, including auditing of tax returns, as an employee of the state of Missouri, a political subdivision of this state, or the United States government, under the supervision of a certified public accountant acceptable to the board holding a certificate and live permit from this or another state, who is the head of the department, division or unit in which such person is employed. Only one year of public accounting experience shall be required of an internal revenue agent who has been issued a certificate by this state pursuant to section 326.060 and who has had at least four years' experience as an employee of the federal government as an internal revenue agent in the Internal Revenue Service, of which at least two years is certified by a district director of Internal Revenue Service as having been of field agent experience at the journeyman level, grade GS-512-11 or above, as specified in the United States Civil Service Commission's qualification standard as of December 1, 1975; or

(4) Four years' experience acceptable to the board in the practice of accounting for a corporation, partnership or other business entity, other than a governmental entity described in subdivision (3) of this subsection, under the supervision of a certified public accountant, acceptable to the board, holding a certificate and live permit from this or another state and

who is head of the department, division or unit in which such person is employed; or

(5) Experience substantially equivalent to the experience requirement of this state as the holder of a certificate, license or degree in a foreign country constituting a recognized qualification for the practice of public accounting in such country.

2. After the expiration of the three-year period immediately following the effective date of board regulations establishing requirements of continuing education, every application for renewal of an annual permit to practice by any person who has held a certificate as a certified public accountant for three years or more shall be accompanied or supported by such evidence, as the board shall prescribe, of satisfaction of such requirements during the last three years preceding the application. Failure by an applicant for renewal of an annual permit to furnish such evidence shall constitute grounds for revocation, suspension or refusal to renew such permit in a proceeding pursuant to section 326.130, unless the board, in its discretion, shall determine such failure to have been due to reasonable cause or excusable neglect. The board, in its discretion, may renew an annual permit to practice despite failure to furnish evidence of satisfaction of requirements of continuing education upon condition that the applicant follow a particular program or schedule of continuing education.

3. The attestation or opinion concerning the presentation of financial or other quantitative data shall be restricted to those holding a live permit pursuant to this section.

4. Refusal by the resident manager of an office, registered pursuant to section 326.055, to submit such office to peer review, if required by the board, shall constitute grounds for revocation, suspension or refusal to renew the manager's permit in a proceeding pursuant to section 326.130."

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 883, Page 5, Line 11, by inserting after said line the following:

"43.030. 1. The superintendent of the Missouri state highway patrol shall be appointed by the governor by and with the advice and consent of the senate. The superintendent shall hold office at the pleasure of the governor. The superintendent shall be a citizen of the United States and a resident taxpaying citizen of this state for a period of three years previous to becoming appointed as superintendent and shall be at least thirty years of age. The superintendent shall maintain an office and reside in Jefferson City.

2. The superintendent of the Missouri state highway patrol shall:

(1) Have command of the patrol and perform all duties imposed on the superintendent and exercise all of the powers and authority conferred upon the superintendent by the provisions of this chapter and the requirements of chapter 650, RSMo;

(2) Within available appropriations, establish an equitable pay plan for the members of the highway patrol and radio personnel taking into consideration ranks and length of service.

[3. The annual salary of members of the highway patrol and radio personnel shall be increased by the same percentage increase and lump sum increase granted to state merit employees covered by the provisions of chapter 36, RSMo. Such increases shall include only the cost-of-living portion of the pay plan appropriated for merit employees and shall be based upon the actual current salary.]".

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 883, Page 3, Section 226.005, Line 8, by adding after said line the following:

"3. The means by which employees of the Department of Transportation are compensated may not be restricted to direct deposit.".

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SB 709**; **SB 745**; **SS** for **SCS** for **SBs 771** and **687**; and **SS** for **SB 910**, begs leave to report that it has considered the same and recommends that the bills do pass.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1803, regarding Health Awareness Weeks, which was adopted.

Senator Kenney offered Senate Resolution No. 1804, regarding the Longview Community College Forensics and Debate Team, which was adopted.

On motion of Senator Quick, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

HOUSE BILLS ON THIRD READING

HB 1586, introduced by Representative Hosmer, entitled:

An Act to amend chapter 56, RSMo, relating to county legal representation by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Bentley.

On motion of Senator Bentley, **HB 1586** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Rohrbach--1			
Absent--Senators			
Curls	Staples--2		
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 1507, with **SCS**, introduced by Representative Bray, entitled:

An Act to repeal sections 143.221, 143.521, 144.080 and 144.655, RSMo 1994, relating to the filing requirements for certain tax returns and payments, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Wiggins.

SCS for **HB 1507**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1507

An Act to repeal sections 143.221, 143.521, 143.751, 144.025, 144.080 and 144.655, RSMo 1994, and section 144.014, RSMo Supp. 1997, relating to taxation, and to enact in lieu thereof nineteen new sections relating to the same subject.

Was taken up.

Senator Wiggins moved that **SCS** for **HB 1507** be adopted.

Senators Mathewson and McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1507, Page 6, Section 137.1030, Line 5, by inserting immediately after all of said line the following:

"143.161. 1. **For all tax years beginning before January 1, 1999**, a resident may deduct four hundred dollars for each dependent for whom he is entitled to a dependency exemption deduction for federal income tax purposes.

2. For all tax years beginning on or after January 1, 1999, a resident may deduct eight hundred dollars for each dependent for whom he is entitled to a dependency exemption deduction for federal income tax purposes.

[2.] **3. A resident who qualifies as an unmarried head of household or as a surviving spouse for federal income tax purposes may deduct an additional eight hundred dollars."**; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted.

Senator Jacob offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Bill No. 1507, Page 1, Section 143.161, Line 7 of said amendment, by striking the word "eight" and inserting in lieu thereof the words "**one thousand two**".

Senator Jacob moved that the above amendment be adopted.

Senator Jacob offered **SSA 1** for **SA 1** to **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Bill No. 1507, Page 1, Section 143.161, Line 7, by striking the words "eight hundred" and inserting in lieu thereof the words "**one thousand four hundred**".

Senator Jacob moved that the above substitute amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SSA 1** for **SA 1** to **SA 1**, **SA 1** to **SA 1** and **SA 1** and was joined in his request by Senators Childers, Mathewson, Sims and Westfall.

Senator Jacob raised the point of order that **SCS** for **HB 1507**, as well as all pending amendments, are out of order as they go beyond the scope of the original bill.

President Pro Tem McKenna ruled the point of order not well taken.

Senator Maxwell assumed the Chair.

President Pro Tem McKenna assumed the Chair.

SSA 1 for **SA 1** to **SA 1** was adopted by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
DePasco	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Klarich	Lybyer	Maxwell	Quick
Russell	Singleton	Westfall--19	
NAYS--Senators			
Ehlmann	Flotron	Kinder	Mathewson
McKenna	Mueller	Rohrbach	Schneider
Scott	Sims	Staples	Wiggins
Yeckel--13			
Absent--Senators			
Bentley	Curls--2		
Absent with leave--Senators--None			

SA 1, as amended, was again taken up.

Senator Flotron offered **SSA 1** for **SA 1**, as amended:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1507, Page 6, Section 137.1030, Line 5, by inserting immediately after all of said line the following:

"143.111. The Missouri taxable income of a resident shall be his Missouri adjusted gross income less:

(1) Either[:] the Missouri standard deduction or the Missouri itemized deduction[.];

(2) The Missouri deduction for personal exemptions[.];

(3) The Missouri deduction for dependency exemptions[.];

(4) The deduction for federal income taxes provided in section 143.171; **and**

(5) The deduction for tuition, attendance fees school supplies and transportation costs provided in section 143.122.

143.122. In addition to the amounts to be subtracted from a resident's Missouri adjusted gross income to determine Missouri taxable income under the provisions of section 143.111, there shall be subtracted the amount the taxpayer has paid to others for each dependent in grades nine through twelve, for tuition, attendance fees school supplies and transportation costs for or on behalf of each dependent in attending a secondary school situated in Missouri, up to a maximum of two thousand five hundred dollars for each dependent.

143.161. 1. **For all tax years beginning before January 1, 1999**, a resident may deduct four hundred dollars for each dependent for whom he is entitled to a dependency exemption deduction for federal income tax purposes.

2. For all tax years beginning on or after January 1, 1999, a resident may deduct one thousand four hundred dollars for each dependent for whom he is entitled to a dependency exemption deduction for federal income tax purposes.

[2.] **3.** A resident who qualifies as an unmarried head of household or as a surviving spouse for federal income tax purposes may deduct an additional eight hundred dollars.

143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after January 1, 1994, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

3. For all tax years beginning on or after September 1, 1993, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year.

5. For all tax years beginning on or after January 1, 1999, a corporate taxpayer shall be allowed a deduction for the amount the taxpayer has paid to others for any pupil or pupils in grades nine through twelve for tuition, attendance fees, school supplies and transportation costs for or on behalf of any pupil or pupils attending a secondary school situated in Missouri, up to a maximum of two thousand five hundred dollars for any pupil.";

and

Further amend said bill, page 9, Section 143.751, Line 41, by inserting after said line the following:

"7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."; and

Further amend said bill, page 13, Section 144.655, line 52, by inserting immediately after said line the following:

"7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."

"147.010. 1. For the transitional year defined in subsection 4 of this section and each taxable year beginning on or after January 1, 1980, but before January 1, 1999, every corporation organized under or subject to chapter 351, RSMo, or under any other law of this state shall, in addition to all other fees and taxes now required or paid, pay an annual franchise tax to the state of Missouri equal to one-twentieth of one percent of the par value of its outstanding shares and surplus if its outstanding shares and surplus exceeds two hundred thousand dollars, or if the outstanding shares of such corporation or any part thereof consist of shares without par value, then, in that event, for the purpose herein contained, such shares shall be considered as having a value of five dollars per share unless the actual value of such shares should exceed five dollars per share, in which case the tax shall be levied and collected on the actual value and the surplus if the actual value and the surplus exceeds two hundred thousand dollars. If such corporation employs a part of its outstanding shares in business in another state or country, then such corporation shall pay an annual franchise tax equal to one-twentieth of one percent of its outstanding shares and surplus employed in this state if its outstanding shares and surplus employed in this state exceeds two hundred thousand dollars, and for the purposes of this chapter, such corporation shall be deemed to have employed in this state that proportion of its entire outstanding shares and surplus that its property and assets employed in this state bears to all its property and assets wherever located. A foreign corporation engaged in business in this state, whether under a certificate of authority issued under chapter 351, RSMo, or not, shall be subject to this section. Any corporation whose outstanding shares and surplus as calculated above does not exceed two hundred thousand dollars shall state that fact on a form prescribed by the secretary of state. For all taxable years beginning on or after January 1, 1999, the annual franchise tax shall be equal to forty-five thousandths of one percent of the par value of the corporation's outstanding shares and surplus if the outstanding shares and surplus exceeds one million dollars. Any corporation whose outstanding shares and surplus does not exceed one million dollars shall state that fact on the prescribed form.

2. This law shall not apply to corporations not organized for profit, nor to corporations organized under the provisions of chapter 349, RSMo, nor to express companies, which now pay an annual tax on their gross receipts in this state, nor to

insurance companies, which pay an annual tax on their premium receipts in this state, nor to electric and telephone corporations organized under chapters 351, RSMo, and 392, RSMo, prior to January 1, 1980, which have been declared tax exempt organizations under section 501(c) of the Internal Revenue Code of 1986, nor for taxable years beginning after December 31, 1986, to banking institutions subject to the annual franchise tax imposed by sections 148.010 to 148.110, RSMo; but bank deposits shall be considered as funds of the individual depositor left for safekeeping and shall not be considered in computing the amount of tax collectible under the provisions of this chapter.

3. A corporation's "taxable year" for purposes of this chapter shall be its taxable year as provided in section 143.271, RSMo.

4. A corporation's "transitional year" for the purposes of this chapter shall be its taxable year which includes parts of each of the years 1979 and 1980.

5. The franchise tax payable for a corporation's transitional year shall be computed by multiplying the amount otherwise due for that year by a fraction, the numerator of which is the number of months between January 1, 1980, and the end of the taxable year and the denominator of which is twelve. The franchise tax payable, if a corporation's taxable year is changed as provided in section 143.271, RSMo, shall be similarly computed under regulations prescribed by the secretary of state.

6. All franchise reports and franchise taxes shall be returned to the secretary of state who shall transfer such taxes to the director of revenue. All checks and drafts remitted for payment of franchise taxes shall be made payable to the director of revenue.

7. Section 32.057, RSMo, shall apply to the secretary of state as equally as it applies to the director of revenue and the secretary of state shall maintain the confidentiality of all franchise tax reports returned to him. Such reports, however, may be made available at any time to the director of revenue and the director of revenue will maintain their confidentiality."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senators Scott, Schneider and McKenna offered **SA 1** to **SSA 1** for **SA 1**, as amended:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1, as amended, to Senate Committee Substitute for House Bill No. 1507, Page 1, Section 143.111, Lines 9 and 10 of said section, by striking all of said lines; and further amend said amendment and page, section 143.122, by striking all of said section and inserting in lieu thereof the following:

"(5) The deduction for education expenses provided in section 143.122.

143.122. In addition to the amounts to be subtracted from a resident's Missouri adjusted gross income to determine Missouri taxable income under the provisions of section 143.111, there shall be subtracted the amount the taxpayer has paid to others for each dependent in grades kindergarten through twelve for education expenses, which shall be limited to the cost of computer hardware and software, attendance fees, extracurricular expenses, tuition, transportation costs related directly to education and school supplies for or on behalf of each dependent attending a school situated in Missouri, up to a maximum of one thousand dollars for each dependent."; and

Further amend said amendment, page 4, section 143.171, lines 2-8 of said page, by striking all of said lines and inserting in lieu thereof the following:

"5. For all tax years beginning on or after January 1, 1999, a corporate taxpayer shall be allowed a deduction for the amount the corporate taxpayer has paid to others for any pupil or pupils in grades kindergarten through twelve for education expenses, which shall be limited to the cost of computer hardware and software, attendance fees, extracurricular expenses, tuition, transportation costs related directly to education and school supplies for or on behalf of each pupil attending a school situated in Missouri, up to a maximum of one thousand dollars for each pupil.".

Senator Scott moved that the above amendment be adopted.

Senator Singleton offered SSA 1 for SA 1 to SSA 1 for SA 1, as amended:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

FOR SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1507, Page 6, Section 137.1030, Line 6, by inserting immediately after all of said line the following:

"143.124. 1. Other provisions of law to the contrary notwithstanding, the total amount of all annuities, pensions, or retirement allowances above the amount of six thousand dollars annually provided by any law of this state, the United States, or any other state to any person except as provided in subsection 4 of this section, shall be subject to tax pursuant to the provisions of this chapter, in the same manner, to the same extent and under the same conditions as any other taxable income received by the person receiving it. For purposes of this section, annuity, pension, or retirement allowance shall be defined as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state. For all tax years beginning on or after January 1, 1998, for purposes of this section, annuity, pension or retirement allowance shall be defined to include self-employed retirement plans, also known as Keogh plans, annuities from a defined pension plan and individual retirement arrangements, also known as IRAs, as described in the Internal Revenue Code, as well as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state.

2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall be subtracted from Missouri adjusted gross income for that period, determined pursuant to section 143.121, the first three thousand dollars of retirement benefits received by each taxpayer:

(1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twelve thousand five hundred dollars; or

(2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than sixteen thousand dollars; or

(3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than eight thousand dollars.

3. For the tax years beginning on or after January 1, 1990, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, the first six thousand dollars of retirement benefits received by each taxpayer from sources other than privately funded sources, and for tax years beginning on or after January 1, 1998, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, the first one thousand

dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1998, but before January 1, 1999, and the first [three] ~~six~~ thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 1999[, but before January 1, 2000, and the first four thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2000, but before January 1, 2001, and the first five thousand dollars of any retirement allowance received from any privately funded source for tax years beginning on or after January 1, 2001, but before January 1, 2002, and the first six thousand dollars of any retirement allowance received from any privately funded sources for tax years beginning on or after January 1, 2002]:

- (1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and the taxpayer's Missouri adjusted gross income is less than twenty-five thousand dollars; or
- (2) If the taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than thirty-two thousand dollars; or
- (3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than sixteen thousand dollars.

4. To determine the maximum Missouri adjusted gross income limits referenced in this section, any social security benefits included in Missouri adjusted gross income shall be subtracted. But social security benefits shall not be subtracted for purposes of other computations pursuant to this chapter, and are not to be considered as retirement benefits for purposes of this section.

5. The provisions of subdivisions (1) and (2) of subsection 3 of this section shall apply during all tax years in which the federal Internal Revenue Code provides exemption levels for calculation of the taxability of social security benefits that are the same as the levels in subdivisions (1) and (2) of subsection 3 of this section. If the exemption levels for the calculation of the taxability of social security benefits are adjusted by applicable federal law or regulation, the exemption levels in subdivisions (1) and (2) of subsection 3 of this section shall be accordingly adjusted to the same exemption levels.

6. The portion of a taxpayer's lump sum distribution from an annuity or other retirement plan not otherwise included in Missouri adjusted gross income as calculated pursuant to this chapter, but subject to taxation under Internal Revenue Code section 402 shall be taxed in an amount equal to ten percent of the taxpayer's federal liability on such distribution for the same tax year.

7. The exemptions provided for in this section shall not affect the calculation of the income to be used to determine the property tax credit provided in sections 135.010 to 135.035, RSMo. "; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above substitute amendment be adopted.

Senator Scott raised the point of order that **SSA 1 for SA 1** to **SSA 1 for SA 1**, as amended, is out of order as it is not a true substitute amendment, since it deals with a different page and section than **SA 1 to SSA 1 for SA 1**, as amended.

Senator Schneider raised a further point of order that **SSA 1 for SA 1** to **SSA 1 for SA 1**, as amended, goes beyond the scope of a perfecting amendment.

President Pro Tem McKenna ruled the points of order well taken.

Senator Caskey raised the point of order that **SSA 1 for SA 1**, as amended and **SA 1 to SSA 1 for SA 1**, as amended, are out of order as they are not true substitute amendments.

Senator Jacob raised a further point of order that **SSA 1 for SA 1**, as amended, is out of order as it is not a true substitute amendment.

President Pro Tem McKenna ruled the points of order not well taken.

SA 1 to SSA 1 for SA 1, as amended, was again taken up.

Senator Caskey offered **SSA 2 for SA 1 to SSA 1 for SA 1**, as amended:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 1

TO SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1, as amended, to Senate Committee Substitute for House Bill No. 1507, Page 1, Section 143.111, Lines 9 and 10 of said section, by striking all of said lines; and

Further amend said amendment and page, section 143.122, by striking all of said section and inserting in lieu thereof the following:

"(5) The deduction for education expenses provided in section 143.122.

143.122. In addition to the amounts to be subtracted from a resident's Missouri adjusted gross income to determine Missouri taxable income under the provisions of section 143.111, there shall be subtracted the amount the taxpayer has paid to others for each dependent in grades kindergarten through twelve for education expenses, which shall be limited to the cost of computer hardware and software, attendance fees, extracurricular expenses, tuition, transportation costs related directly to education and school supplies for or on behalf of each dependent attending a school situated in Missouri, up to a maximum of one dollar for each dependent."; and

Further amend said amendment, page 4, section 143.171, lines 2-8 of said page, by striking all of said lines and inserting in lieu thereof the following:

"5. For all tax years beginning on or after January 1, 1999, a corporate taxpayer shall be allowed a deduction for the amount the corporate taxpayer has paid to others for any pupil or pupils in grades kindergarten through twelve for education expenses, which shall be limited to the cost of computer hardware and software, attendance fees, extracurricular expenses, tuition, transportation costs related directly to education and school supplies for or on behalf of each pupil attending a school situated in Missouri, up to a maximum of one dollar for each pupil."

Senator Caskey moved that the above substitute amendment be adopted.

Senator Flotron requested a roll call vote be taken on the adoption of **SSA 2 for SA 1 to SSA 1 for SA 1**, as amended, and was joined in his request by Senators Howard, Mueller, Schneider and Scott.

At the request of Senator Caskey, **SSA 2 for SA 1 to SSA 1 for SA 1**, as amended, was withdrawn.

President Pro Tem McKenna assumed the Chair.

Senator Caskey offered **SSA 3 for SA 1 to SSA 1 for SA 1**, as amended:

SENATE SUBSTITUTE AMENDMENT NO. 3

FOR SENATE AMENDMENT NO. 1

TO SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No.1 for Senate Amendment No. 1, as amended, to Senate Committee Substitute for House Bill No. 1507, Page 1, Section 143.111, Lines 9 and 10 of said section, by striking all of said lines; and

Further amend said amendment and page, section 143.122, by striking all of said section and inserting in lieu thereof the following:

"(5) The deduction for education expenses provided in section 143.122.

143.122. In addition to the amounts to be subtracted from a resident's Missouri adjusted gross income to determine Missouri taxable income under the provisions of section 143.111, there shall be subtracted the amount the taxpayer has paid to others for each dependent in grades kindergarten through twelve for education expenses, which shall be limited to the cost of computer hardware and software, attendance fees, extracurricular expenses, tuition, transportation costs related directly to education and school supplies for or on behalf of each dependent attending a school situated in Missouri, up to a maximum of fifty cents for each dependent."; and

Further amend said amendment, page 4, section 143.171, lines 2-8 of said page, by striking all of said lines and inserting in lieu thereof the following:

"5. For all tax years beginning on or after January 1, 1999, a corporate taxpayer shall be allowed a deduction for the amount the corporate taxpayer has paid to others for any pupil or pupils in grades kindergarten through twelve for education expenses, which shall be limited to the cost of computer hardware and software, attendance fees, extracurricular expenses, tuition, transportation costs related directly to education and school supplies for or on behalf of each pupil attending a school situated in Missouri, up to a maximum of fifty cents for each pupil."

Senator Caskey moved that the above substitute amendment be adopted.

Senator Flotron requested a roll call vote be taken on the adoption of **SSA 3 for SA 1 to SSA 1 for SA 1**, as amended. He was joined in his request by Senators Yeckel, Klarich, Kinder and Mueller.

Senator Maxwell assumed the Chair.

At the request of Senator Caskey, **SSA 3 for SA 1 to SSA 1 for SA 1**, as amended, was withdrawn.

Senator Howard offered **SSA 4 for SA 1 to SSA 1 for SA 1**, as amended, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 4

FOR SENATE AMENDMENT NO. 1

TO SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1, as amended, to Senate Committee Substitute for House Bill No. 1507, Page 10, Section 147.010, Line 9, by inserting immediately after said line the following:

"Section 1. For all tax years beginning on or after January 1, 1999, resident taxpayers whose filing status is either married filing a combined return or head of household shall be allowed a credit against the tax liability imposed pursuant to Chapter 143, RSMo, in an amount equal to two hundred dollars per combined return or head of household return. This section shall expire January 1, 2001."

Senator Howard moved that the above substitute amendment be adopted.

Senator Kinder raised the point of order that **SSA 4 for SA 1 to SSA 1 for SA 1**, as amended, is out of order as it is in

the third degree.

President Pro Tem McKenna assumed the Chair.

At the request of Senator Howard, **SSA 4** for **SA 1** to **SSA 1** for **SA 1**, as amended, was withdrawn, rendering the point of order moot.

At the request of Senator Wiggins, **HB 1507**, with **SCS, SA 1**, as amended, **SSA 1** for **SA 1**, as amended, and **SA 1** to **SSA 1** for **SA 1**, as amended (pending), was placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

Senator Rohrbach introduced to the Senate, Jennifer Klein, Jefferson City; and Jennifer was made an honorary page.

Senator Klarich introduced to the Senate, Bev and Matt Ehlen, Ryan Ebrecht and Bridget Ryder, Home School History and Government Class from West County.

Senator Klarich introduced to the Senate, a group from the Franklin County Learning Center.

Senator Singleton introduced to the Senate, Jan and Mike Goldworthy, Neosho.

Senator Russell introduced to the Senate, Sandy Crawford, Buffalo.

Senator Russell introduced to the Senate, Fred Lutz, Buffalo.

Senator Goode introduced to the Senate, Miss Lee, Miss Schafer, Mr. Orlando, Miss Perry, and eighty-five students from Keeven Elementary School, St. Louis; and Candace Anderson, Brittany O'Neal, Carl Marberry and Meaghan Ackerson were made honorary pages.

Senator Mathewson introduced to the Senate, Richard L. Haskell, Warren Preuit and Robert Berlin, Sedalia; and Don Hall, Osage Beach.

Senator Russell introduced to the Senate, Penny Roberson, Vicky Cookson, Amy Parmenter, Julie Jackson, Kathy Wecker, Rita Walker, Misty Richardson, Teresa Chadwell, Diane Lescord, and thirty sixth grade students from Norwood.

Senator Kinder introduced to the Senate, twenty-five fourth grade students from May Greene School, Cape Girardeau.

Senator Klarich introduced to the Senate, thirty-four eighth grade students from Immaculate Conception School, Union.

Senator Kinder introduced to the Senate, twenty-six students and fifteen adults from Immaculate Conception School, Jackson.

Senator Clay introduced to the Senate, James C. Sondermann, St. Louis.

Senator Lybyer introduced to the Senate, Steven Beal and Ruby Kelsey, Rolla; Vicki Huting, Westphalia; and Cindi McFadden, Jefferson City.

Senator Johnson introduced to the Senate, Sharon Bryan, Kathy Eisenbeis, Charlotte Christian, Candy Henderson, Theresa Grace, Cheryl Hughes, Gwen Ebinger, Karen Waterland, Jonalee McLaughlin, Kacy Bryan, Haley Johanson, Logan Farley, Caitie Christian, Jason Henderson, Landon Grace, Abbey Hughes, Emma Ebinger, Alyssa Arnone, Arynn Nease, Kathryn Lowery, Laura Eisenbeis, Maggie Jones, Elizabeth Waterland and Anna McLaughlin, Line Creek Elementary School, Kansas City; and Kacy, Haley, Logan, Caitie, Jason, Landon, Abbey, Emma, Alyssa, Arynn and Kathryn were made honorary pages.

Senator Jacob introduced to the Senate, Ben and Pat Adams, Manchester City, England; and Kathy and Jim Collins,

Columbia.

Senator Graves introduced to the Senate, Nan Stepp, Dallas Prather, fourteen adults, and thirty-seven fourth grade students from Tarkio.

Senator Graves introduced to the Senate, Rich Barrett, Tarkio.

Senator Caskey introduced to the Senate, his wife, Kay, and fifty-one visitors from Cass and Bates Counties.

Senator Klarich introduced to the Senate, Dora Serrano and Ramon J. Savala, Jefferson City.

Senator Rohrbach introduced to the Senate, Jenny Hirschman and Melissa and Dalton

Rodriguez, Jefferson City.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SECOND DAY--THURSDAY, APRIL 30, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, have we said thank you often enough? Do You hear only our complaints? Is our prayer more the stating of our needs than singing praises to Your Name for all You have done for us? On this day we pause in this quiet time to give thanks for all the blessings You have provided. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
	Absent with leave--Senators--None		

RESOLUTIONS

Senator Howard offered Senate Resolution No. 1805, regarding Bernice Twidwell, Wayne County, which was adopted.

Senator Jacob offered Senate Resolution No. 1806, regarding Michael Harp, which was adopted.

PRIVILEGED MOTIONS

Senator Johnson moved that **SB 550**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 550**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 550

An Act to repeal section 233.187, RSMo Supp. 1997, relating to the appointment of a treasurer of road districts, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Johnson moved that **HCS** for **SB 550** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Curls	Ehlmann	Goode	Jacob
Schneider--5			

Absent with leave--Senators--None

On motion of Senator Johnson, **HCS** for **SB 550** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Curls	Schneider--2
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Bentley moved that **SB 553**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Bentley moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Childers	Clay
Curls	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Caskey--1			
Absent--Senators			
Ehlmann	Schneider--2		
Absent with leave--Senators--None			

On motion of Senator Bentley, **SB 553**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Schneider--1			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

RESOLUTIONS

Senator Jacob offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1807

WHEREAS, upon occasion the members of the Missouri Senate are called upon to acknowledge the meritorious efforts and accomplishments of an exceptional young athlete, Michael Harp, a student at the University of Missouri-Columbia who has earned much well-deserved recognition for his stellar wrestling career; and

WHEREAS, Michael Harp attended Parkway Central Senior High School where he was the undefeated Missouri State Wrestling champion in 1993; joined the University of Missouri-Columbia wrestling team where he was a 1994 Espoir Nationals All-American who placed Sixth in Greco-Roman style; and made an amazing comeback in 1997 after injuring his neck during a wrestling match in 1995; and

WHEREAS, Michael Harp has distinguished himself as an extraordinary wrestler whose honors include service as 1997 and 1998 Varsity wrestling captain, Big Twelve finalist at 142 pounds, NCAA Qualifier who finished in the country's top sixteen, member of the University All-Star Team, and 1998 Pre-season All-American status; and

WHEREAS, Michael Harp has compiled an enviable list of athletic accomplishments such as advancing to the national semi-finals in the NCAA Tournament after beating First Seed Stephen Schmidt from Oklahoma State; receiving NCAA All-American honors and Eighth place in the country at 142 pounds; and taking All-American Sixth in freestyle wrestling at the University Nationals; and

WHEREAS, aside from his athletic prowess, Michael Harp has excelled in the academic realm through his roles as Secretary and President of the Student Advisory Council, as a member of the 1997 Big Twelve All-Academic Team, and as one of 276 student-athletes selected from across the country to attend the First Annual NCAA Leadership Conference; and

WHEREAS, Michael Harp could not have attained such tremendous success without the unparalleled leadership provided by his many wonderful coaches, who have instilled in him the desire to realize his fullest potential; and

WHEREAS, fellow students, faculty and staff of the University of Missouri, parents, and the entire community of Columbia are exceedingly proud of Michael Harp for his noteworthy accomplishments while successfully aspiring toward incredible goals:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, unanimously join in extending our most hearty congratulations to Michael Harp for his phenomenal success throughout his impressive overall wrestling career, and in wishing him only the very best as he continues to maintain his high standards for achievement; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Michael Harp.

PRIVILEGED MOTIONS

Senator Russell moved that **SB 579**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 579**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 579

An Act authorizing the governor to convey certain state property.

Was taken up.

Senator Russell moved that **HCS** for **SB 579** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Banks	Quick	Schneider--3	

Absent with leave--Senators--None

On motion of Senator Russell, **HCS** for **SB 579** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Banks Schneider--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Westfall moved that **SCS** for **SB 634**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 634**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 634

An Act to repeal section 577.023, RSMo 1994, and sections 577.020 and 577.041, RSMo Supp. 1997, relating to motor vehicles, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions and an emergency clause.

Was taken up.

Senator Westfall moved that **HCS** for **SCS** for **SB 634** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Klarich	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Westfall	Wiggins

Yeckel--29

NAYS--Senator Clay--1
Absent--Senators
Banks Kinder Lybyer Schneider--4
Absent with leave--Senators--None

On motion of Senator Westfall, **HCS** for **SCS** for **SB 634** was read the 3rd time and passed by the following vote:

YEAS--Senators
Bentley Caskey Childers Curls
DePasco Ehlmann Flotron Goode
Graves House Howard Jacob
Johnson Kenney Klarich Lybyer
Mathewson Maxwell McKenna Mueller
Quick Rohrbach Russell Schneider
Scott Sims Singleton Staples
Westfall Wiggins Yeckel--31
NAYS--Senators--None
Absent--Senators
Banks Clay Kinder--3
Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators
Bentley Caskey Childers Curls
DePasco Ehlmann Flotron Goode
Graves House Howard Jacob
Johnson Kenney Klarich Lybyer
Mathewson Maxwell McKenna Mueller
Quick Rohrbach Schneider Scott
Sims Singleton Staples Westfall
Wiggins Yeckel--30
NAYS--Senators--None
Absent--Senators
Banks Clay Kinder Russell--4
Absent with leave--Senators--None

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Johnson moved that **SB 676**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 676**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 676

An Act to repeal section 67.210, RSMo 1994, relating to local government, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Senator Johnson moved that **HCS** for **SB 676** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Banks	Goode	Klarich	Staples--4
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Absent with leave--Senators--None

On motion of Senator Johnson, **HCS** for **SB 676** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Banks	Goode	Klarich--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Bentley moved that **SS** for **SB 724**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SB 724**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 724

An Act to repeal section 143.183, RSMo 1994, and section 285.230, RSMo Supp. 1997, relating to state income tax revenue from certain nonresidents, and to enact in lieu thereof two new sections for the sole purpose of providing for state income tax revenues from nonresident entertainers and athletes.

Was taken up.

Senator Bentley moved that **HCS** for **SS** for **SB 724**, as amended, be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			
	NAYS--Senator Rohrbach--1		
	Absent--Senators		
Banks	Flotron	Goode	Klarich--4
	Absent with leave--Senators--None		

On motion of Senator Bentley, **HCS** for **SS** for **SB 724**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			
	NAYS--Senator Rohrbach--1		
	Absent--Senators		
Banks	Goode	Klarich	Quick--4
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Schneider moved that **SCS** for **SB 732**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 732**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 732

An Act to repeal sections 337.010, 337.025 and 337.033, RSMo 1994, and sections 337.020, 337.021, 337.029 and 337.045, RSMo Supp. 1997, relating to the regulations and licensing of psychologists, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up.

Senator Schneider moved that **HCS** for **SCS** for **SB 732** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Flotron	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Mathewson	Maxwell	McKenna
Mueller	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--26		
NAYS--Senator Rohrbach--1			
Absent--Senators			
Banks	Curls	Ehlmann	Goode
Klarich	Lybyer	Quick--7	
Absent with leave--Senators--None			

On motion of Senator Schneider, **HCS** for **SCS** for **SB 732** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	Curls
DePasco	Ehlmann	Flotron	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28
NAYS--Senator Rohrbach--1			
Absent--Senators			
Banks	Bentley	Goode	Klarich
Russell--5			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Johnson moved that **SB 733**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Staples assumed the Chair.

Senator Johnson moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Banks	Goode	Quick--3	
Absent with leave--Senators--None			

On motion of Senator Johnson, **SB 733**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Banks	Goode--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator McKenna moved that the Senate refuse to concur in **HCS** for **SB 739** and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Howard moved that **SB 773**, with **SA 1** and **SSA 3** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 3 for **SA 1** was again taken up.

At the request of Senator Flotron, **SSA 3** for **SA 1** was withdrawn.

SA 1 was again taken up.

At the request of Senator Bentley, **SA 1** was withdrawn.

Senator Howard offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 773, Page 1, Section 197.317, Line 18, by striking the opening bracket "[" before "1999" and inserting an opening bracket "[" before "July"; and further amend said line by striking "2001" and inserting in lieu thereof the following: "**April 30, 2000**"; and

Further amend said bill and section, page 2, line 22, by striking the opening and closing brackets "[]" and by striking "2002".

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 773, Page 2, Section 197.317, Line 23, by inserting immediately after said line the following:

"Section 1. As used in this section and section 2 of this act, the following terms mean:

- (1) "Charge data", information submitted by a long-term care facility on current charges;**
- (2) "Charges by payor", information submitted by long-term care facilities on amounts billed to medicare, medicaid, other government sources and all nongovernment sources combined as one data element;**
- (3) "Department", the department of health;**
- (4) "Financial data", information submitted by long-term care facilities drawn from financial statements which includes the balance sheet, income statement, bad debt and charges by payor, prepared in accordance with generally accepted accounting principles;**
- (5) "Long-term care facility", a residential care facility I, residential care facility II, intermediate care facility or a skilled nursing facility as defined in section 198.006, RSMo;**
- (6) "Resident", an individual housed within a long-term care facility;**
- (7) "Resident abstract data", data submitted by long-term care facilities which includes but is not limited to date of birth, sex, race, zip code, county of residence, admission date, discharge date, principal and other diagnoses,**

total billed charges, disposition of the resident and expected source of payment with sources categorized according to medicare, medicaid, other government, workers' compensation, all commercial payors coded with a common code, self-pay, no charge and other.

Section 2. 1. All long-term care facilities shall at least annually provide to the department charge data as required by the department. All long-term care facilities shall at least annually provide resident abstract data and financial data as required by the department. The department shall promulgate rules pursuant to chapter 536, RSMo, specifying the types of information which shall be submitted and the method of submission.

2. The department shall not require the resubmission of data which has been submitted to the department of health or the department of social services under any other provision of law. The department of health shall accept data submitted by associations or related organizations on behalf of long-term care facilities by entering into binding agreements negotiated with such associations or related organizations to obtain data required pursuant to section 1 of this act and this section. A long-term care facility shall submit the required information to the department of health:

- (1) If the provider does not submit the required data through such associations or related organizations;**
- (2) If no binding agreement has been reached within ninety days of August 28, 1998, between the department of health and such associations or related organizations; or**
- (3) If a binding agreement has expired for more than ninety days.**

3. Information obtained by the department under the provisions of section 1 of this act and this section shall not be public information. Reports and studies prepared by the department based upon such information shall be public information and may identify individual long-term care facilities. The department of health may authorize the use of the data by other research organizations pursuant to the provisions of section 192.067. The department shall not release data in a form which could be used to identify a resident. Any violation of this subsection is a class A misdemeanor.

4. The department shall undertake a reasonable number of studies and publish information, including at least an annual consumer guide, in collaboration with long-term care facilities, business coalitions and consumers based upon the information obtained pursuant to the provisions of section 1 of this act and this section. The department shall allow all long-term care facilities and associations and related organizations who have submitted data which will be used in any report to review and comment on the report prior to its publication or release for general use. The department shall include any comments of a long-term care facility, at the option of the facility, and associations and related organizations in the publication if the department does not change the publication based upon those comments. The report shall be made available to the public for a reasonable charge.

5. Any long-term care facility which continually and substantially, as these terms are defined by rule, fails to comply with the provisions of this section shall not be allowed to participate in any program administered by the state or to receive any moneys from the state.

6. A long-term care facility, aggrieved by the department's determination of ineligibility for state moneys pursuant to subsection 5 of this section may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, RSMo, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department of health."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Howard, **SB 773**, as amended, was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SB 745, introduced by Senators House and Ehlmann, entitled:

An Act to repeal sections 160.545, 161.097, 173.005 and 173.210, RSMo 1994, relating to higher education, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up by Senator House.

On motion of Senator House, **SB 745** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Wiggins
Yeckel--29			

NAYS--Senators

Childers	Singleton	Westfall--3
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Absent--Senators

Curls	Kinder--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Carol Ann Freeman, Bill J. Adams, Stephen D. Paulsell, Gary B. Kempker and William F. "Bill" Ferrell, as members of the Committee for 911 Service Oversight;

Also,

Randall J. Davis, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Michael E. Goldsworthy, as a member of the Missouri Fire Education Commission;

Also,

Kimberly S. Long and James J. Silvernail, as members of the Missouri Fire Safety Advisory Board;

Also,

Jean Ellis, as a member of the State Board of Registration for the Healing Arts;

Also,

John Christopher Wilt and Martha R. Clevenger, as members of the State Historical Records Advisory Board;

Also,

Mark V. Kenney, as a member of the Missouri Community Service Commission;

Also,

Lynn A. Fahrmeier, as a member of the Clean Water Commission;

Also,

Lee J. Payne, as a member of the Peace Officer Standards and Training Commission;

Also,

Mark G. Haenchen, as a member of the Low-level Radioactive Waste Compact Advisory Committee;

Also,

Thomas J. Hancock, as a member of the Missouri Board for Respiratory Care;

Also,

Ben L. Kessler and Marie E. Steinwachs, as members of the Hazardous Waste Management Commission.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1779**, as amended, and has again taken up and passed **SCS** for **HB 1779**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1419** and has again taken up and passed **HB 1419**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HCR 8** and has again taken up and passed **HCR 8**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1380**, entitled:

An Act to repeal sections 64.170, 64.180, 64.190 and 64.205, RSMo 1994, relating to building regulations in certain counties, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1, SA 2, SA 3, SA 1 to SSA 1 for SA 4, SSA 1 for SA 4**, as amended, to **HB 1239** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

PRIVILEGED MOTIONS

Senator Caskey moved that the Senate refuse to recede from its position on **SA 1, SA 2, SA 3** and **SSA 1 for SA 4**, as amended, to **HB 1239** and grant the House a conference thereon, which motion prevailed.

Senator House moved that the Senate refuse to recede from its position on **SCA 1** to **HB 1410** and grant the House a conference thereon, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for **HCS** for **HB 1749**--Aging, Families and Mental Health.

HCS for **HB 1891**--Civil and Criminal Jurisprudence.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the Senate on **HB 1239**, as amended: Senators Caskey, Mathewson, DePasco, Sims and Westfall.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald L. Gann, Republican, 1501 E. Highview Street, Ozark, Christian County, Missouri 65721, as a member of the Missouri Ethics Commission, for a term ending March 15, 2002, and until his successor is duly appointed and qualified; vice, Ervin Harder, D.M.D., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carl Michael Greenwell, Democrat, Rural Route #3, Box 187B, Shelbina, Shelby County, Missouri 63468, as a member of the Missouri Ethics Commission, for a term ending March 15, 2002, and until his successor is duly appointed and qualified; vice, John Howald, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Paula "Polly" O'Brien, Democrat, 42 Portland Place, St. Louis, St. Louis County, Missouri 63108, as a member of the Missouri Investment Trust Board of Trustees, for a term ending February 24, 2001, and until her successor is duly appointed and qualified; vice, RSMo. 30.953.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary Lynn Watkins, Republican, 49 Stonecrest, St. Joseph, Buchanan County, Missouri 64506, as a member of the Missouri Western State College Board of Regents, for a term ending October 29, 2003, and until her successor is duly appointed and qualified; vice, William Carpenter, Sr., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Rainey J. Crawford, Democrat, 4701 North Holly Court, Kansas City, Clay County, Missouri 64116, as a member of the Missouri Investment Trust Board of Trustees, for a term ending February 24, 2002, and until his successor is duly appointed and qualified; vice, RSMo. 30.953.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Richard H. Dahl, Republican, 209 Amador Avenue, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Investment Trust Board of Trustees, for a term ending February 24, 2000, and until his successor is duly appointed and qualified; vice, RSMo. 30.953.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gerald T. Brouder, Ph.D., 1905 South Fairview Road, Columbia, Boone County, Missouri 65203, as a member of the Midwestern Higher Education Commission, for a term ending January 6, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John A. Birch, 10106 NW 72nd Street, Weatherby Lake, Platte County, Missouri 64152, as Chairman of the State Board of Mediation, for a term ending October 25, 1998, and until his successor is duly appointed and qualified; vice, Francis Brady, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lewis Glendon Ullery, Republican, 609 N.E. Short Street, Lee's Summit, Jackson County, Missouri 64063, as a member of the Missouri Gaming Commission, for a term ending April 29, 2001, and until his successor is duly appointed and qualified; vice, Erwin F. Mall, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 38**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1808, regarding Jeanne Rech, Harrisonville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Flotron introduced to the Senate, Reed and Regina Very, Jefferson City; and Regina was made an honorary page.

Senator Goode introduced to the Senate, Karen Szydlowski, Patrick Schrappen, Stephanie Bell, Rebecca Brockman,

Cindy Schlereth, Diane Lane, Judy Beard, LaVanche Parnell, and students from Corpus Christi School, St. Louis; and Brendan McDonald, Kyle Rice, Ian Watson and Nathan Apan were made honorary pages.

Senator Bentley introduced to the Senate, the Physician of the Day, Dr. Larry Halverson, Springfield.

Senator Staples introduced to the Senate, seventh grade students from Sunrise School, DeSoto; and Shelli McGrath, Luke Doney, David Sylvester and Katie Pierce were made honorary pages.

Senator Kinder introduced to the Senate, seventy-five fourth grade students from Clippard Elementary School, Cape Girardeau; and Katie Fowler, Carrie Laskey, Dave Deisher and Aaron Huey were made honorary pages.

Senator Graves introduced to the Senate, Sarah Ponting, seven adults and twenty-five seventh and eighth grade students from Hale R-I School, Hale.

On motion of Senator Quick, the Senate adjourned until 2:00 p.m., Monday, May 4, 1998.

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-THIRD DAY--MONDAY, MAY 4, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, the Psalmist said, "The Lord is the strength of my life." In these last two weeks we need strength to finish the job. Give us strength for the good things we have been given to do. Give us wisdom to use our strength to good advantage. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 30, 1998, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Flotron offered Senate Resolution No. 1809, regarding JoAnn Black, which was adopted.

Senator Jacob offered Senate Resolution No. 1810, regarding the Ninetieth Birthday of Mrs. Thelma G. Calvin, Columbia, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1811, regarding Stuart Klingensmith, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1812, regarding the One Hundredth Birthday of Emma Luetkemeyer, St. Elizabeth, which was adopted.

Senator Scott offered Senate Resolution No. 1813, regarding Representative F. E. (Gene) Copeland, New Madrid, which

was adopted.

Senators Mueller and Caskey offered Senate Resolution No. 1814, regarding the death of Leo E. Eickhoff, Jr., Des Peres, which was adopted.

Senator McKenna offered Senate Resolution No. 1815, regarding Freeman P. McCullah, Chesterfield, which was adopted.

Senator Graves offered Senate Resolution No. 1816, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Guy Schooler, Princeton, which was adopted.

Senator Graves offered Senate Resolution No. 1817, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Clifford Souders, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1818, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Bob Pierce, Grant City, which was adopted.

Senator Graves offered Senate Resolution No. 1819, regarding Sue Dorrel, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1820, regarding the Eighty-fifth Birthday of Mr. Harry Emrick, Fairfax, which was adopted.

Senator Graves offered Senate Resolution No. 1821, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Marion "Bob" Peterson, Clarksdale, which was adopted.

Senator Graves offered Senate Resolution No. 1822, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. B. G. Clark, King City, which was adopted.

PRIVILEGED MOTIONS

Senator Staples moved that the Senate refuse to concur in **HCS** for **SB 883**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

THIRD READING OF SENATE BILLS

SB 709, introduced by Senator DePasco, entitled:

An Act to repeal section 115.351, RSMo 1994, relating to the establishment of a presidential preference primary, and to enact in lieu thereof twelve new sections relating to the same subject.

Was taken up.

On motion of Senator DePasco, **SB 709** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Goode	Graves
Jacob	Johnson	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Quick	Russell	Scott	Sims
Singleton	Staples	Wiggins	Yeckel--24
NAYS--Senators			
Flotron	Howard	Kenney	Mueller
Rohrbach	Westfall--6		
Absent--Senators			

Curls	House	Schneider--3
	Absent with leave--Senator Bentley--1	

The President Pro Tem declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Lybyer moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SBs 771** and **687**, introduced by Senator Sims, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 771 and 687

An Act to repeal sections 104.540, 210.720, 210.826, 210.830, 211.183, 211.464, 452.150, 452.310, 452.355, 452.377, 452.405, 452.411, 452.416, 452.600, 452.605, 453.160 and 454.432, RSMo 1994, and sections 192.016, 193.215, 210.109, 210.822, 211.444, 211.171, 211.447, 287.820, 452.340, 452.375, 452.400, 452.402, 452.423, 452.490, 453.010, 453.025, 453.030, 453.040, 453.060, 453.070, 453.075, 453.077, 453.080, 453.110, 453.170, 454.390, 454.408, 454.413, 454.440, 454.455, 454.460, 454.490, 454.505, 476.688 and 568.175, RSMo Supp. 1997, relating to child custody and child support proceedings, and to enact in lieu thereof fifty-eight new sections relating to the same subject, with an emergency clause and penalty provisions.

Was taken up.

On motion of Senator Sims, **SS** for **SCS** for **SBs 771** and **687** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Curls	Schneider--2		
Absent with leave--Senator Bentley--1			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob

Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Curls	Schneider--2		
	Absent with leave--Senator Bentley--1		

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SS for **SB 910**, introduced by Senator Caskey, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 910

An Act to repeal sections 104.540, 210.826, 210.830, 452.150, 452.310, 452.355, 452.377, 452.405, 452.411, 452.416, 452.600, 452.605 and 454.432, RSMo 1994, and sections 193.215, 210.109, 210.822, 287.820, 452.340, 452.375, 452.400, 452.423, 452.490, 454.390, 454.408, 454.413, 454.440, 454.455, 454.460, 454.490, 454.505 and 476.688, RSMo Supp. 1997, relating to child support, and to enact in lieu thereof thirty-eight new sections relating to the same subject.

Was taken up.

On motion of Senator Caskey, **SS** for **SB 910** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Curls	Schneider--2		
	Absent with leave--Senator Bentley--1		

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HCS** for **HBs 1519** and **1165**, with **SCS** and **HCS** for **HB 1469**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 773**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

BILL REFERRALS

President Pro Tem McKenna referred **SB 773** to the Committee on State Budget Control.

HOUSE BILLS ON THIRD READING

HCS for **HB 1469**, with **SCS**, entitled:

An Act to repeal sections 168.021 and 168.071, RSMo 1994, relating to certificate of license to teach, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up by Senator Caskey.

SCS for **HCS** for **HB 1469**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1469

An Act to repeal sections 168.021 and 168.071, RSMo 1994, relating to certificate of license to teach, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **HCS** for **HB 1469** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1469, Pages 1-2, Section 168.021, Lines 15-25, by striking all of said lines and inserting in lieu thereof the following:

"(3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:

(a) Recommendation of a state-approved baccalaureate level teacher preparation program;

(b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators

designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and

(c) Upon completion of a background check and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed."

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1469, Page 4, Section 168.071, Line 34, by inserting immediately after the word "may" as it appears the second time, the following: "**upon hearing**"; and

Further amend said bill, Page 4, Section 168.071, Line 43, by inserting immediately after the word "offenses" the following: "**established pursuant to Missouri law or offenses of a similar nature established under the laws of any other state or of the United States, or any other country, whether or not the sentence is imposed**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1469, Page 3, Section 168.021, Line 69, by adding the following: "Any school board may certify anyone who has a masters degree or equivalent to teach in their school district for one year upon unanimous approval of the Board of Education of the district."

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, **SA 3** was withdrawn.

Senator Klarich offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1469, Page 1, In the Title, Lines 2-3, by striking the following: "certificate of license to teach" and inserting in lieu thereof the following: "public schools"; and

Further amend said bill and page, section A, line 3, by inserting after all of said line the following:

"165.011. 1. The following funds are created for the accounting of all school moneys: teachers' fund, incidental fund, free textbook fund, capital projects fund and debt service fund. The treasurer of the school district shall open an account for each fund specified in this section, and all moneys received from the county school fund and all moneys derived from taxation for teachers' wages shall be placed to the credit of the teachers' fund. All tuition fees, state moneys received under sections 162.975, RSMo, and 163.031, RSMo, and all other moneys received from the state except as herein provided shall be placed to the credit of the teachers' and incidental funds at the discretion of the district board of education. Money received from other districts for transportation, and money derived from taxation for incidental expenses shall be credited to the incidental fund. Money apportioned for free textbooks shall be credited to the free textbook fund. All money derived from taxation or received from any other source for the erection of buildings or additions thereto and the remodeling or reconstruction of buildings and the furnishing thereof, for the payment of lease purchase obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other buildings of any

kind, or school furniture, from insurance, from sale of bonds other than refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived from the sale or lease of sites, buildings, facilities, furnishings and equipment by a school district as authorized under section 177.088, RSMo, shall be credited to the capital projects fund. Money derived from taxation for the retirement of bonds and the payment of interest thereon shall be credited to the debt service fund which shall be maintained as a separate bank account. Receipts from delinquent taxes shall be allocated to the several funds on the same basis as receipts from current taxes, except that where the previous years' obligations of the district would be affected by such distribution, the delinquent taxes shall be distributed according to the tax levies made for the years in which the obligations were incurred. All refunds received shall be placed to the credit of the fund from which the original expenditures were made. Money donated to the school districts shall be placed to the credit of the fund where it can be expended to meet the purpose for which it was donated and accepted. Money received from any other source whatsoever shall be placed to the credit of the fund or funds designated by the board.

2. The school board may expend from the incidental fund the sum that is necessary for the ordinary repairs of school property and an amount not to exceed the sum of expenditures for classroom instructional capital outlay, as defined by the department of elementary and secondary education by rule, in state-approved area vocational-technical schools and .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year for classroom instructional capital outlay, including but not limited to payments authorized pursuant to section 177.088, RSMo. Any and all payments authorized under section 177.088, RSMo, except as otherwise provided in this subsection, for the purchase or lease of sites, buildings, facilities, furnishings and equipment and all other expenditures for capital outlay shall be made from the capital projects fund. If a balance remains in the free textbook fund after books are furnished to pupils as provided in section 170.051, RSMo, it shall be transferred to the teachers' fund. The board may transfer the portion of the balance remaining in the incidental fund to the teachers' fund that is necessary for the total payment of all contracted obligations to teachers. If a balance remains in the debt service fund, after the total outstanding indebtedness for which the fund was levied is paid, the board may transfer the unexpended balance to the capital projects fund. If a balance remains in the bond proceeds after completion of the project for which the bonds were issued, the balance shall be transferred from the incidental or capital projects fund to the debt service fund. After making all placements of interest otherwise provided by law, a school district may transfer from the capital projects fund to the incidental fund the interest earned from undesignated balances in the capital projects fund.

3. Tuition shall be paid from either the teachers' or incidental funds.

4. Other provisions of law to the contrary notwithstanding, the school board of a school district that satisfies the criteria specified in subsection 5 of this section may transfer from the incidental fund to the capital projects fund an amount not to exceed the greater of zero or the sum of .18 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year and the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year and any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools and an amount not to exceed .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year less any amount transferred pursuant to subsection 7 of this section, provided that any amount transferred pursuant to this subsection shall only be transferred as necessary to satisfy obligations of the capital projects fund less any amount expended from the incidental fund for classroom instructional capital outlay pursuant to subsection 2 of this section. For the purposes of this subsection, the guaranteed tax base and a district's count of resident and nonresident eligible pupils educated in the district shall not be less than their respective values calculated from data for the 1992-93 school year.

5. In order to transfer funds pursuant to subsection 4 of this section, a school district shall:

(1) Meet the minimum criteria for state aid and for increases in state aid for the current year established pursuant to section 163.021, RSMo;

- (2) Not incur a total debt, including short-term debt and bonded indebtedness in excess of ten percent of the guaranteed tax base for the preceding payment year multiplied by the number of resident and nonresident eligible pupils educated in the district in the preceding year;
- (3) Set tax rates pursuant to section 164.011, RSMo;
- (4) First apply any voluntary rollbacks or reductions to the total tax rate levied to the teachers' and incidental funds;
- (5) In order to be eligible to transfer funds for paying lease purchase obligations:
 - (a) Incur such obligations, except for obligations for lease purchase for school buses, prior to January 1, 1997;
 - (b) Limit the term of such obligations to no more than twenty years;
 - (c) Limit annual installment payments on such obligations to an amount no greater than the amount of the payment for the first full year of the obligation, including all payments of principal and interest, except that the amount of the final payment shall be limited to an amount no greater than two times the amount of such first-year payment;
 - (d) Limit such payments to leasing nonathletic, classroom, instructional facilities as defined by the state board of education through rule; and
 - (e) Not offer instruction at a higher grade level than was offered by the district on July 12, 1994.
6. A school district shall be eligible to transfer funds pursuant to subsection 7 of this section if:
 - (1) Prior to August 28, 1993:
 - (a) The school district incurred an obligation for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo;
 - (b) The school district notified the appropriate local election official to place an issue before the voters of the district for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo; or
 - (c) An issue for funding payments under a lease purchase contract authorized under section 177.088, RSMo, was approved by the voters of the district; or
 - (2) Prior to November 1, 1993, a school board adopted a resolution authorizing an action necessary to comply with subsection 9 of section 177.088, RSMo. Any increase in the operating levy of a district above the 1993 tax rate resulting from passage of an issue described in paragraph (b) of subdivision (1) of this subsection shall be considered as part of the 1993 tax rate for the purposes of subsection 1 of section 164.011, RSMo.
7. Prior to transferring funds pursuant to subsection 4 of this section, a school district may transfer, pursuant to this subsection, from the incidental fund to the capital projects fund an amount as necessary to satisfy an obligation of the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, but not to exceed its payments authorized under section 177.088, RSMo, for the purchase or lease of sites, buildings, facilities, furnishings, equipment, and all other expenditures for capital outlay, plus the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year plus any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools. A school district with a levy for school purposes no greater than the minimum levy specified in section 163.021, RSMo, and an obligation in the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, may transfer from the incidental fund to the capital projects fund the amount necessary to meet the obligation plus the transfers pursuant to subsection 4 of this section.
8. Beginning in the 1995-96 school year, the department of elementary and secondary education shall deduct from a school district's state aid calculated pursuant to section 163.031, RSMo, an amount equal to the amount of any transfer

of funds from the incidental fund to the capital projects fund performed during the previous year in violation of this section.

9. On or before June 30, [1995] **1999**, a school district may transfer to the capital projects fund from the balances of the teachers' and incidental funds any amount, but only to the extent that the **amount transferred is equal to or less than the amount that the** teachers' and incidental fund unrestricted balances on June 30, 1995, [are equal to or greater than] **exceeded** eight percent of expenditures from the teachers' and incidental funds for the year ending June 30, 1995.

10. In addition to other transfers authorized under subsections 1 to 9 of this section, a district may transfer from the teachers' and incidental funds to the capital projects fund the amount necessary to repay costs of one or more guaranteed energy savings performance contracts to renovate buildings in the school district; provided that the contract is only for energy conservation measures, as defined in section 640.651, RSMo, and provided that the contract specifies that no payment or total of payments shall be required from the school district until at least an equal total amount of energy and energy-related operating savings and payments from the vendor pursuant to the contract have been realized by the school district."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

At the request of Senator Caskey, **HCS** for **HB 1469**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

HCS for **HBs 1519** and **1165**, with **SCS**, entitled:

An Act to repeal sections 41.435, 42.105 and 173.215, RSMo 1994, and sections 173.239 and 313.835, RSMo Supp. 1997, and to enact in lieu thereof eight new sections for the purpose of the distribution of moneys from the gaming commission fund, with penalty provisions.

Was taken up by Senator Maxwell.

SCS for **HCS** for **HBs 1519** and **1165**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1519 and 1165

An Act to repeal sections 41.435, 42.105 and 173.215, RSMo 1994, and sections 173.239 and 313.835, RSMo Supp. 1997, and to enact in lieu thereof eight new sections for the purpose of the distribution of moneys from the gaming commission fund, with penalty provisions.

Was taken up.

Senator Maxwell moved that **SCS** for **HCS** for **HBs 1519** and **1165** be adopted.

Senator Maxwell offered **SS** for **SCS** for **HCS** for **HBs 1519** and **1165**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1519 & 1165

An Act to repeal sections 41.435, 42.105 and 173.215, RSMo 1994, and sections 173.239 and 313.835, RSMo Supp. 1997, and to enact in lieu thereof ten new sections for the purpose of the distribution of moneys from the gaming commission fund, with penalty provisions.

Senator Maxwell moved that **SS** for **SCS** for **HCS** for **HBs 1519** and **1165** be adopted.

Senator Staples assumed the Chair.

Senator Maxwell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1519 and 1165, Page 22, Section 313.835, Line 11 of said page, by inserting after the word "created" the following: **"to support parent choice in education"**.

Senator Maxwell moved that the above amendment be adopted.

Senator Maxwell offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1519 and 1165, Page 22, Section 313.835, Line 5 of said page, by striking the word "One" and inserting in lieu thereof the word **"Three"**; and further amend line 7 of said page, by inserting immediately after the word "RSMo" the following: **", and additional moneys as appropriated by the general assembly shall be appropriated to such fund"**; and

Further amend said bill, Page 22, Section 313.835, Line 8 of said page, by striking the word "all" and inserting in lieu thereof the following: **"one hundred percent of"**; and

Further amend said bill, Page 22, Section 313.835, Line 11 of said page, by inserting immediately after the word "created" the following: **"to give parents meaningful choices and assistance in choosing the child care and education arrangements that are appropriate for their family"**; and

Further amend said bill, Page 28, Section 313.835, Lines 4-9 of said page, by striking all of said lines and inserting in lieu thereof the following:

"(I) When the remaining net proceeds, as such term is used pursuant to paragraph (d) of this subdivision, in the gaming commission fund exceed twenty-seven million dollars, one and one-half million dollars of such proceeds shall be transferred, subject to appropriation, to the Missouri college guarantee fund, established pursuant to the provisions of section 173.248, RSMo."

Senator Maxwell moved that the above substitute amendment be adopted.

President Pro Tem McKenna assumed the Chair.

Senator Maxwell offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1519 and 1165, Page 1, Line 4 of said amendment, by inserting immediately before the word "appropriated" the word "**annually**"; and further amend said amendment, page 2, line 2, by inserting immediately after the word "transferred" the word "**annually**".

Senator Maxwell moved that the above amendment be adopted.

Senator Maxwell offered **SSA 1** for **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1519 and 1165, Page 1, Line 4 of said amendment, by inserting immediately before the word "appropriated" the word "**annually**"; and further amend said amendment, page 2, line 1, by striking the word "exceed" and inserting in lieu thereof the following: "**annually exceeds**"; and further amend line 2, by inserting immediately after the word "transferred" the word "**annually**".

Senator Maxwell moved that the above substitute amendment be adopted, which motion prevailed.

SSA 1 for **SA 1**, as amended, was again taken up.

Senator Maxwell moved that the above substitute amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1519 and 1165, Page 15, Section 173.245, Lines 16-18 of said page, by striking all of said lines and inserting in lieu thereof the following: "**amount of any non-loan need-based federal financial aid, all other non-loan need-based assistance received by or on behalf of the student pursuant to other provisions of this chapter and any other non-loan need-based**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1519 and 1165, Page 14, Section 173.245, Line 24, by inserting immediately after said line the following:

"6. (1) A student seeking a scholarship pursuant to this section shall maintain a cumulative grade point average (GPA) of at least two point five on a four point scale, or the equivalent on another scale approved by the program administrator while attending the approved public or private institution.

(2) If the grade point average of a member who is receiving educational assistance pursuant to this section falls below two point five on a four point scale, or the equivalent on another scale, such member shall retain the educational assistance and shall be placed on probation under the educational assistance program. Failure to achieve a current grade point average of at least two point five on a four point scale, or the equivalent on another scale for future semesters or equivalent academic terms shall result in termination of the scholarship effective as of the next academic term. The member shall be removed from probation status upon achieving a cumulative grade point average of two point five on a four point scale or the equivalent on another scale."; and renumber accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1519 and 1165, Page 5, Section 41.215, Line 11, by inserting after said line the following:

"5. Moneys to be credited to the Missouri national guard trust fund pursuant to subsection 1 of this section shall be placed in a subaccount and shall be used solely for the purpose authorized in section 41.958."

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1519 and 1165, Page 24, Section 313.835, Line 21, by inserting immediately after all of said line the following:

"d. Beginning on the effective date of this act, the department of elementary and secondary education and the department of social services shall initiate and conduct a four-year study to evaluate the impact of early childhood development, education and care in this state. The study shall consist of an evaluation of children eligible for moneys pursuant to this paragraph, including an evaluation of the early childhood development, education and care of those children participating in such program and those not participating in the program over a four-year period. At the conclusion of the study, the department of elementary and secondary education and the department of social services shall, within ninety days of conclusion of the study, submit a report to the general assembly and the governor, with an analysis of the study required pursuant to this subparagraph, all data collected, findings, and other information relevant to early childhood development, education and care;"

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1519 and 1165, Page 24, Section 313.835, Line 10 of said page, by inserting immediately after the semicolon ";" the following: **"and**

(vii) With respect to applications by public schools, the establishment of a parent advisory committee within each public school program;"

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1519 and 1165, Page 10, Section 173.239, Line 8, by inserting after the period on said line the following:

"(3) The grants provided under this section may be prorated subject to appropriations in an amount no less than fifty percent of the limits set forth in this section."

Senator Childers moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator Singleton offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1519 and 1165, Page 19, Section 313.835.1, Line 15, by adding following the period: "No moneys from this fund shall be used for the purpose of Missouri Highway patrol personnel in the daily attendance or operation of casinos."

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Maxwell moved that **SS** for **SCS** for **HCS** for **HBs 1519** and **1165**, as amended, be adopted, which motion prevailed.

President Pro Tem McKenna assumed the Chair.

On motion of Senator Maxwell, **SS** for **SCS** for **HCS** for **HBs 1519** and **1165**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	House	Howard	Jacob
Johnson	Kenney	Lybyer	Mathewson
Maxwell	McKenna	Quick	Schneider
Scott	Sims	Staples	Wiggins
Yeckel--25			
NAYS--Senators			
Flotron	Graves	Kinder	Klarich
Mueller	Rohrbach	Russell	Singleton
Westfall--9			
Absent--Senators--None			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Caskey moved that **HCS** for **HB 1469**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 1469**, as amended, was again taken up.

Senator Clay offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1469, Page 1, In the Title, Lines 2-3, by striking the following: "certificate of license to teach" and inserting in lieu thereof the following: "teachers"; and

Further amend said bill, page 6, section 168.071, line 101, by inserting after all of said line the following:

"168.221. 1. The first [three] **five** years of employment of all teachers [and principals] entering the employment of the metropolitan school district shall be deemed a period of probation during which period all appointments of teachers [and principals] shall expire at the end of each school year. During the probationary period any probationary teacher [or principal] whose work is unsatisfactory shall be furnished by the superintendent of schools with a written statement setting forth the nature of his incompetency. If improvement satisfactory to the superintendent is not made within one semester after the receipt of the statement, the probationary teacher [or principal] shall be dismissed. The semester granted the probationary teacher [or principal] in which to improve shall not in any case be a means of prolonging the probationary period beyond [three] **five** years and six months from the date on which the teacher [or principal] entered the employ of the board of education. The superintendent of schools on or before the fifteenth day of April in each year shall notify probationary teachers [or principals] who will not be retained by the school district of the termination of their services. Any probationary teacher [or principal] who is not so notified shall be deemed to have been appointed for the next school year. **Any principal who prior to becoming a principal had attained permanent employee status as a teacher shall upon ceasing to be a principal have a right to resume his or her permanent teacher position with the time served as a principal being treated as if such time had been served as a teacher for the purpose of calculating seniority and pay scale. The rights and duties and remuneration of a teacher who was formerly a principal shall be the same as any other teacher with the same level of qualifications and time of service.**

2. After completion of satisfactory probationary services, appointments of teachers [and principals] shall become permanent, subject to removal for any one or more causes herein described and to the right of the board to terminate the services of all who attain the age of compulsory retirement fixed by the retirement system. In determining the duration of the probationary period of employment in this section specified, the time of service rendered as a substitute teacher [or substitute principal] shall not be included.

3. No teacher [or principal] whose appointment has become permanent may be removed except for one or more of the following causes: Immorality, inefficiency in line of duty, violation of the published regulations of the school district, violation of the laws of Missouri governing the public schools of the state, or physical or mental condition which incapacitates him for instructing or associating with children, and then only by a vote of not less than a majority of all the members of the board, upon written charges presented by the superintendent of schools, to be heard by the board after thirty days' notice, with copy of the charges served upon the person against whom they are preferred, who shall have the privilege of being present, together with counsel, offering evidence and making defense thereto. Notifications received by an employee during a vacation period shall be considered as received on the first day of the school term following. At the request of any person so charged the hearing shall be public. The action and decision of the board upon the charges shall be final. Pending the hearing of the charges, the person charged may be suspended if the rules of the board so prescribe, but in the event the board does not by a majority vote of all the members remove the teacher [or principal] upon charges presented by the superintendent, the person shall not suffer any loss of salary by reason of the suspension. Inefficiency in line of duty is cause for dismissal only after the teacher [or principal] has been notified in writing at least one semester prior to the presentment of charges against him by the superintendent. The notification shall specify the nature of the inefficiency with such particularity as to enable the teacher [or principal] to be informed of the nature of his inefficiency.

4. No teacher [or principal] whose appointment has become permanent shall be demoted nor shall his salary be reduced unless the same procedure is followed as herein stated for the removal of the teacher [or principal] because of inefficiency in line of duty, and any teacher [or principal] whose salary is reduced or who is demoted may waive the presentment of charges against him by the superintendent and a hearing thereon by the board. The foregoing provision shall apply only to permanent teachers [and principals] prior to the compulsory retirement age under the retirement system. Nothing herein contained shall in any way restrict or limit the power of the board of education to make reductions in the number of teachers or principals, or both, because of insufficient funds, decrease in pupil enrollment, or abolition of particular subjects or courses of instruction, except that the abolition of particular subjects or courses of instruction shall not cause those teachers who have been teaching the subjects or giving the courses of instruction to be placed on leave of absence as herein provided who are qualified to teach other subjects or courses of instruction, if positions are available for the teachers in the other subjects or courses of instruction.

5. Whenever it is necessary to decrease the number of teachers or principals, or both, because of insufficient funds or a substantial decrease of pupil population within the school district, the board of education upon recommendation of the superintendent of schools may cause the necessary number of teachers or principals, or both, beginning with those serving probationary periods, to be placed on leave of absence without pay, but only in the inverse order of their appointment. Nothing herein stated shall prevent a readjustment by the board of education of existing salary schedules. No teacher or principal placed on a leave of absence shall be precluded from securing other employment during the period of the leave of absence. Each teacher or principal placed on leave of absence shall be reinstated in inverse order of his placement on leave of absence. Such reemployment shall not result in a loss of status or credit for previous years of service. No new appointments shall be made while there are available teachers or principals on leave of absence who are seventy years of age or less and who are adequately qualified to fill the vacancy unless the teachers or principals fail to advise the superintendent of schools within thirty days from the date of notification by the superintendent of schools that positions are available to them that they will return to employment and will assume the duties of the position to which appointed not later than the beginning of the school year next following the date of the notice by the superintendent of schools.

6. If any regulation which deals with the promotion of either teachers or principals, or both, is amended by increasing the qualifications necessary to be met before a teacher or principal is eligible for promotion, the amendment shall fix an effective date which shall allow a reasonable length of time within which teachers or principals may become qualified for promotion under the regulations."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SCS** for **HCS** for **HB 1469**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **HCS** for **HB 1469**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

HB 1052, with **SCS**, introduced by Representative Ford, entitled:

An Act to repeal sections 32.105 and 32.111, RSMo Supp. 1997, and section 10 as enacted by senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and approved by the governor, relating to the workfare renovation project, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Banks.

SCS for **HB 1052**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1052

An Act to repeal sections 32.105 and 32.111, RSMo Supp. 1997, and section 10 as enacted by senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and approved by the governor, relating to the workfare renovation project, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up.

Senator Banks moved that **SCS** for **HB 1052** be adopted, which motion prevailed.

On motion of Senator Banks, **SCS** for **HB 1052** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HJR 39, introduced by Representative Scheve, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39 of article III of the Constitution of Missouri, relating to gaming and adopting two new sections in lieu thereof relating to the same subject.

Was called from the Informal Calendar and taken up by Senator McKenna.

Senator McKenna offered **SS** for **HJR 39**, entitled:

SENATE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION NO. 39

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39 of article III of the Constitution of Missouri, relating to gaming and adopting two new sections in lieu thereof relating to the same subject.

Senator McKenna moved that **SS** for **HJR 39** be adopted.

At the request of Senator McKenna, **HJR 39**, with **SS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HBs 1681** and **1342**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Pro Tem McKenna assumed the Chair.

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCS** for **SCS** for **SB 634**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **SCS** for **SB 634**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

HOUSE BILLS ON THIRD READING

HCS for **HBs 1681** and **1342**, with **SCS**, entitled:

An Act to repeal section 226.040, RSMo 1994, relating to the financial administration of the department of transportation, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up by Senator Staples.

SCS for **HCS** for **HBs 1681** and **1342**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1681 and 1342

An Act to repeal sections 226.040 and 226.140, RSMo 1994, and section 226.005, RSMo Supp. 1997, relating to transportation, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Staples moved that **SCS** for **HCS** for **HBs 1681** and **1342** be adopted.

Senator Scott assumed the Chair.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1681 and 1342, Page 5, Section 226.140, Line 13, by inserting immediately after said line the following:

"Section 1. 1. If a state agency for whom work is being performed by a contractor determines upon reasonable evidence that the contractor or a subcontractor engaged to complete work required by the contract hired one or more aliens who are unauthorized to work in the United States, the state agency shall order the contractor to cause the discharge of such unauthorized workers.

2. If upon reasonable evidence the state agency determines that a contractor or subcontractor has knowingly violated the Immigration Reform and Control Act of 1986, or its successor statute, in employing aliens unauthorized to work in the United States, the agency may cause up to twenty percent of the total amount of the contract or subcontract performed by the employer of such unauthorized workers to be withheld from payment to the employer in violation of such statute.

3. If a contractor is determined by a state agency upon reasonable evidence to have engaged a subcontractor to complete work required by the contract with knowledge that the subcontractor violated or intended to violate the Immigration Reform and Control Act of 1986, or its successor statute, in hiring or continuing to employ aliens unauthorized to work in the United States, the state agency may withhold from the contractor up to double the amount caused to be withheld from payments to the subcontractor.

4. Any contractor or subcontractor from whom payment is withheld under subsections 2 or 3 of this section shall be ineligible to perform other contracts or subcontracts for the state of Missouri for a period of two years from the date of such action.

5. No state agency or contractor taking any action authorized by this section shall be subject to any claim arising from such action and shall be deemed in compliance with the laws of this state regarding timely payment."; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1681 and 1342, Page 3,

Section 21.795, Line 80, by inserting after all of said line the following:

"43.030. 1. The superintendent of the Missouri state highway patrol shall be appointed by the governor by and with the advice and consent of the senate. The superintendent shall hold office at the pleasure of the governor. The superintendent shall be a citizen of the United States and a resident taxpaying citizen of this state for a period of three years previous to being appointed as superintendent and shall be at least thirty years of age. The superintendent shall maintain an office and reside in Jefferson City.

2. The superintendent of the Missouri state highway patrol shall:

(1) Have command of the patrol and perform all duties imposed on the superintendent and exercise all of the powers and authority conferred upon the superintendent by the provisions of this chapter and the requirements of chapter 650, RSMo;

(2) Within available appropriations, establish an equitable pay plan for the members of the highway patrol and radio personnel taking into consideration ranks and length of service.

[3. The annual salary of members of the highway patrol and radio personnel shall be increased by the same percentage increase and lump sum increase granted to state merit employees covered by the provisions of chapter 36, RSMo. Such increases shall include only the cost-of-living portion of the pay plan appropriated for merit employees and shall be based upon the actual current salary.]" and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1681 and 1342, Page 3, Section 21.795, Line 80, by inserting after all of said line the following:

"71.288. 1. [Any city that maintains the city engineer or other similar city official on the planning commission shall have the authority to place any restriction upon the height, spacing and lighting of outdoor advertising structures placed within the view of any highway within the city. Such ordinance may be more restrictive than sections 226.500 to 226.600, RSMo] **Any city or county shall have the authority to adopt regulations with respect to outdoor advertising that are more restrictive than the height, size, lighting and spacing provisions of sections 226.500 to 226.600, RSMo.**

2. No city [that elects to govern outdoor advertising structures as provided in subsection 1] **or county** shall have the authority to impose a fee of more than five hundred dollars for the initial inspection of an outdoor advertising structure, nor may the city **or county** impose a business tax on an outdoor advertising structure of more than [one hundred dollars per year] **two per cent of the gross annual revenue produced by the outdoor advertising structure within that city or county.**"; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Caskey offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1681 and 1342, Section 71.288, Line 19, by inserting after the period "." the following: **"Nothing in this section would prohibit the licensing of billboards in agriculturally zoned areas in counties of the second classification containing a part of a city located in four counties."**

Senator Caskey moved that the above amendment be adopted, which motion failed on a standing division vote.

SA 3 was again taken up.

Senator Caskey raised the point of order that **SA 3** is out of order in that the amendment goes beyond the scope, purpose and subject matter of the bill.

Senator Mathewson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

President Pro Tem McKenna assumed the Chair.

SA 3 was again taken up.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1681 and 1342, Page 5, Section 226.140, Line 13, by inserting after all of said line the following:

"226.525. **1.** The state highways and transportation commission is directed to erect within the right-of-way of all classes of highways within the state signs and notices pertaining to publicly and privately owned natural wonders and scenic and historical attractions under the following conditions:

(1) Such signs shall not violate any federal law, rule, or regulation affecting the allocation of federal funds to the state of Missouri or which violate any safety regulation formally promulgated by the state highways and transportation commission[.];

(2) Such official signs shall be limited in content to the name of the attraction and necessary travel information[.];

(3) **Such signs shall be made available for any museum or officially designated historic site located within ten miles of a state or federal highway if such museum or historic site is open on a regular basis;**

(4) The state highways and transportation commission shall determine those sites and attractions for which directional and other official signs may be erected as permitted by section 131 of Title 23, United States Code, which it deems of such importance as to justify such signing, using as a guide those publicly or privately owned natural wonders and scenic, historic, educational, cultural, or recreational sites which have been determined to be of general interest[.]; **and**

[(4)] **(5)** The state highways and transportation commission may require reimbursement for the cost of erection and maintenance of the official directional signs authorized hereunder when sites or attractions are privately owned by other than the state or political subdivisions. The state highways and transportation commission shall prescribe the size, number and locations of such signs based upon its determination of the travelers' need for directional information.

2. As used in this section, the term "museum" shall mean an institution located in this state and operated by a permanent business, nonprofit corporation, trust association, or public agency, operated primarily for educational, scientific, historical preservation or aesthetic purposes, which owns, borrows, cares for, studies, archives, or exhibits property. "Museum" includes, but is not limited to, libraries, botanical gardens, zoos,

nature centers, planetariums, technology centers, arboretums, historic sites, art centers, and history, natural history and art museums. Any city or county may designate a community advisory board to determine eligibility for designated museums under this section.

226.535. 1. Signs, displays, and devices giving specific information of interest to the traveling public shall be erected and maintained within the right-of-way in such areas, in an appropriate distance from interchanges on the interstate system as shall conform with the rules and regulations promulgated by the highway department. Such rules shall be consistent with national standards promulgated from time to time by the appropriate authority of the federal government, pursuant to Title 23, section 131, paragraph f, of the United States Code.

2. Any logo sign program providing business information for motorists which is operated by the highways and transportation commission shall provide signs displaying the following services:

- (1) Gas;**
- (2) Food;**
- (3) Attractions;**
- (4) Lodging; and**
- (5) Camping;**

subject to the approval of the Federal Highway Administration and compliance with all federal requirements. The signs for lodging and camping may be combined. The commission shall take any action necessary to establish signs displaying local attractions, including application with the Federal Highway Administration for an experimental sign program.

3. The commission may adopt rules to implement a program for the erection and maintenance of tourist-oriented directional signs within the right-of-way of roads, except interstates and freeways, as designated by the Missouri highways and transportation commission. The tourist-oriented directional signs shall provide business identification and directional information for businesses, services, natural attractions and activities which, during a normal business season, derive a major portion of the income and visitors for the business or activity from motorists not residing in the immediate area of the business or activity. Businesses, services, natural attractions and activities eligible for such tourist-oriented directional signs shall include, but not be limited to, caves, museums and wineries.

4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this section shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Staples offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1681 and 1342, Page 3, Section 21.795, Line 80, by inserting after all of said line the following:

"4. The committee shall submit records of its meetings to the secretary of the senate and the chief clerk of the house of representatives in accordance with sections 610.020 and 610.023, RSMo."

Senator Staples moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Staples, **HCS** for **HBs 1681** and **1342**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HB 1239**, as amended: Representatives: Parker, Hosmer, Monaco, Dolan, Richardson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HB 1410**, as amended: Representatives: Luetkenhaus, Kissell, Graham (24), Ross, Elliott.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 927**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 883**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 945**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 945, Page 1, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following: "To repeal section 275.350, RSMo 1994, and section 263.527, RSMo Supp. 1997, relating to commodity assessments, and to enact in lieu thereof two new sections relating to the same subject with an emergency clause for a certain section."; and

Further amend said bill, Page 2, Section 263.527, Line 36, by inserting after all of said line the following:

"Section B. Section 275.350, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 275.350, to read as follows:

275.350. 1. Any fee imposed under the commodity merchandising program shall be collected by the [director] **appropriate commodity council** whether directly from the producers or indirectly from handlers or processors as stipulated by the provision of the commodity merchandising program.

2. If any merchandising fee is unpaid on the date on which the fee was due and payable, a penalty of one percent per month shall apply from and after that date until payment plus the penalty is received by the director. If, after due notice, any person defaults in any payment of the fee or penalties thereon, the amount due [shall] **may** be collected by civil action [in the name of the state of Missouri at the relation of the director], and the person adjudged in default shall pay the costs of the action. The attorney general[, at the request of the director, and] **or**, if requested by the attorney general, the prosecuting attorney of any county, in which a cause of action arose under the provisions for the collection of fees due and unpaid shall institute proper action in the courts of this state for the collection of fees and penalties thereon due and unpaid. The statute of limitation period for the institution of suit for collection shall be one year.

3. All **administrative** fees shall be paid to the state treasurer to be credited to the "Commodity Council Merchandising Fund" which is hereby created. All money credited to the commodity council merchandising fund shall be appropriated by the general assembly for the use and benefit of the commodity councils through the state department of agriculture and specified in the annual appropriations to said state department to be for such purposes[, and when so made shall be by the director of the department of agriculture paid to the treasurer of the council]. The unexpended balance in the commodity council merchandising fund at the end of the annual period shall not be transferred to the ordinary revenue fund of the state treasurer and accordingly shall be exempt from the provisions of section 33.080, RSMo, relating to transfer of funds to the ordinary revenue funds of the state by the treasurer.

4. [At least annually, the director shall submit to the council a statement showing all receipts, refunds and the balance credited to the commodity council merchandising fund.] **The revisions to the Commodity Merchandising Councils Act made by this section and effective on the effective date of this section shall not be deemed to be a major change for purposes of section 275.330.**

5. The director may enter into contracts with appropriate commodity councils, at the request of the commodity councils, to collect, audit and administer checkoff funds and may retain only such fees for the cost of such services, to be deposited into the commodity council merchandising fund.

Section C. Because immediate action is necessary for the public welfare, section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 501**, entitled:

An Act to repeal sections 169.020, 169.070, 169.597 and 169.670, RSMo Supp. 1997, relating to public school retirement systems, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

With House Substitute Amendment No. 1 for House Amendment No. 1.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 501,

Pages 1 to 11, Section 169.020, by deleting all of said section and inserting in lieu thereof the following:

"169.020. 1. For the purpose of providing retirement allowances and other benefits for public school teachers, there is hereby created and established a retirement system which shall be a body corporate, shall be under the management of a board of trustees herein described, and shall be known as "The Public School Retirement System of Missouri". Such system shall, by and in [said] **such** name, sue and be sued, transact all of its business, invest all of its funds, and hold all of its cash, securities, and other property. The system so created shall include all school districts in this state, except those in cities that had populations of four hundred thousand or more according to the latest United States decennial census, and such others as are or hereafter may be included in a similar system or in similar systems established by law and made operative; provided, that teachers in school districts of more than four hundred thousand inhabitants who are or may become members of a local retirement system may become members of this system with the same legal benefits as accrue to present members of such state system on the terms and under the conditions provided for in section 169.021. The system hereby established shall begin operations on the first day of July next following the date upon which sections 169.010 to 169.130 shall take effect.

2. The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of sections 169.010 to 169.141 are hereby vested in a board of trustees of seven persons as follows: [Two persons to be appointed as trustees by the state board of education;] Four persons to be elected as trustees by the members and retired members of the public school retirement system created by sections 169.010 to 169.141 and the nonteacher school employee retirement system created by sections 169.600 to 169.715; [the state commissioner of education who shall serve as trustee by virtue of the commissioner's office.] **and three members appointed by the governor with the advice and consent of the senate. The first member appointed by the governor shall replace the commissioner of education for a term beginning August 28, 1998. The other two members shall be appointed by the governor at the time each member's, who was appointed by the state board of education, term expires.**

3. Trustees appointed and elected shall be chosen for terms of four years from the first day of July next following their appointment or election, except that one of the elected trustees shall be a member of the nonteacher school employee retirement system and shall be initially elected for a term of three years from July 1, 1991. The initial term of one other elected trustee shall commence on July 1, 1992.

4. Trustees appointed by the [state board of education] **governor** shall be residents of school districts included in the retirement system, but not employees of such districts **or a state employee or a state elected official**. At least one trustee so appointed shall be a retired member of the public school retirement system or the nonteacher school employee retirement system. Three elected trustees shall be members of the public school retirement system and one elected trustee shall be a member of the nonteacher school employee retirement system.

5. The elections of the trustees shall be arranged for, managed and conducted by the board of trustees of the retirement system.

6. If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

7. Trustees of the retirement system shall serve without compensation but they shall be reimbursed for expenses necessarily incurred through service on the board of trustees.

8. Each trustee shall be commissioned by the governor, and before entering upon the duties of the trustee's office, shall take and subscribe to an oath or affirmation to support the Constitution of the United States, and of the state of Missouri and to demean himself or herself faithfully in the trustee's office. Such oath as subscribed to shall be filed in the office of secretary of state of this state.

9. Each trustee shall be entitled to one vote in the board of trustees. Four votes shall be necessary for a decision by the trustees at any meeting of the board of trustees. Unless otherwise expressly provided herein, a meeting need not be called or held to make any decision on a matter before the board. Each member must be sent by the executive director a copy of the matter to be decided with full information from the files of the board of trustees. The unanimous decision of four trustees may decide the issue by signing a document declaring their decision and sending such written instrument to

the executive director of the board, provided that no other member of the board of trustees shall send a dissenting decision to the executive director of the board within fifteen days after such document and information was mailed to the trustee. If any member is not in agreement with four members the matter is to be passed on at a regular board meeting or a special meeting called for the purpose.

10. The board of trustees shall elect one of their number as chairman, and shall employ a full-time executive director, not one of their number, who shall be the executive officer of the board. Other employees of the board shall be chosen only upon the recommendation of the executive director.

11. The board of trustees shall employ an actuary who shall be its technical adviser on matters regarding the operation of the retirement system, and shall perform such duties as are essential in connection therewith, including the recommendation for adoption by the board of mortality and other necessary tables, and the recommendation of the level rate of contributions required for operation of the system.

12. As soon as practicable after the establishment of the retirement system, and annually thereafter, the actuary shall make a valuation of the system's assets and liabilities on the basis of such tables as have been adopted.

13. At least once in the three-year period following the establishment of the retirement system, and in each five-year period thereafter, the board of trustees shall cause to be made an actuarial investigation into the mortality, service, and compensation experience of the members and beneficiaries of the system, and shall make any changes in the mortality, service, and other tables then in use which the results of the investigation show to be necessary.

14. Subject to the limitations of sections 169.010 to 169.141 and 169.600 to 169.715, the board of trustees shall formulate and adopt rules and regulations for the government of its own proceedings and for the administration of the retirement system.

15. The board of trustees shall determine and decide all questions of doubt as to what constitutes employment within the meaning of sections 169.010 to 169.141 and 169.600 to 169.715, the amount of benefits to be paid to members, retired members, beneficiaries and survivors and the amount of contributions to be paid by employer and employee. The executive director shall notify by registered mail both employer and member, retired member, beneficiary or survivor interested in such determination. Any member, retired member, beneficiary or survivor, district or employer adversely affected by such determination, at any time within thirty days after being notified of such determination, may appeal to the circuit court of Cole County. Such appeal shall be tried and determined anew in the circuit court and such court shall hear and consider any and all competent testimony relative to the issues in the case, which may be offered by either party thereto. The circuit court shall determine the rights of the parties under sections 169.010 to 169.141 and 169.600 to 169.715 using the same standard provided in section 536.150, RSMo, and the judgment or order of such circuit court shall be binding upon the parties and the board shall carry out such judgment or order unless an appeal is taken from such decision of the circuit court. Appeals may be had from the circuit court by the employer, member, retired member, beneficiary, survivor or the board, in the manner provided by the civil code.

16. The board of trustees shall keep a record of all its proceedings, which shall be open to public inspection. It shall prepare annually a comprehensive annual financial report, the financial section of which shall be prepared in accordance with applicable accounting standards and shall include the independent auditor's opinion letter. The report shall also include information on the actuarial status and the investments of the system. The reports shall be preserved by the executive director and made available for public inspection.

17. The board of trustees shall provide for the maintenance of an individual account with each member, setting forth such data as may be necessary for a ready determination of the member's earnings, contributions, and interest accumulations. It shall also collect and keep in convenient form such data as shall be necessary for the preparation of the required mortality and service tables and for the compilation of such other information as shall be required for the valuation of the system's assets and liabilities. All individually identifiable information pertaining to members, retirees, beneficiaries and survivors shall be confidential.

18. The board of trustees shall meet regularly at least twice each year, with the dates of such meetings to be designated in the rules and regulations adopted by the board. Such other meetings as are deemed necessary may be called by the

chairman of the board or by any four members acting jointly.

19. The headquarters of the retirement system shall be in Jefferson City, where suitable office space, utilities and other services and equipment necessary for the operation of the system shall be provided by the board of trustees and all costs shall be paid from funds of the system. All suits in which the board of trustees, the board's members or employees or the retirement system established by sections 169.010 to 169.141 or 169.600 to 169.715 are parties shall be brought in Cole County.

20. The board may appoint an attorney or firm of attorneys to be the legal advisor to the board and to represent the board in legal proceedings, however, if the board does not make such an appointment, the attorney general shall be the legal advisor of the board of trustees, and shall represent the board in all legal proceedings.

21. The board of trustees shall arrange for adequate surety bonds covering the executive director. When approved by the board, such bonds shall be deposited in the office of the secretary of state of this state.

22. The board shall arrange for annual audits of the records and accounts of the system by a firm of certified public accountants, the state auditor shall review the audit of the records and accounts of the system at least once every three years and shall report the results to the board of trustees and the governor.

23. The board by its rules may establish an interest charge to be paid by the employer on any payments of contributions which are delinquent. The rate charged shall not exceed the actuarially assumed rate of return on invested funds of the pertinent system."

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 883**, as amended: Representatives: Koller, Thomason, May (108), Berkstresser and Pryor.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SB 883**, with **HCS**, as amended: Senators Staples, McKenna, DePasco, Ehlmann and Sims.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HB 1410**, with **SCA 1**: Senators House, Johnson, Staples, Sims and Kenney.

PRIVILEGED MOTIONS

Senator Maxwell moved that the Senate refuse to recede from its position on **SCS** for **HB 927**, as amended, and grant the House a conference thereon, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dorothy L. Greene, Republican, 3022 South Buckner-Tarsney Road, Grain Valley, Jackson County, Missouri 64029, as a member of the Jackson County Board of Election Commissioners, for a term ending April 4, 2002, and until her successor is duly appointed and qualified; vice, Roxana Hauser, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointment to the Committee on Gubernatorial Appointments.

Senator Johnson assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 1380--Local Government and Economic Development.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1823, regarding Representative Gene Copeland, New Madrid, which was adopted.

BILLS DELIVERED TO THE GOVERNOR

HCS for **SCS** for **SB 634**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, eighty students and teachers from Pond Elementary School, West St. Louis County.

Senator Klarich introduced to the Senate, Mr. Pilz, Mrs. Matlach, Mr. Miley and forty fourth and fifth grade students from Richwood Elementary School, Washington County.

On behalf of Senator Ehlmann and himself, Senator House introduced to the Senate, David Asher and Howard and Barbara Sheets, Lake St. Louis; and Aki Takahashi, Wentzville.

Senator Howard introduced to the Senate, Kimberly Speight, Caruthersville; and Chris Carlton, Columbia.

Senator Sims introduced to the Senate, thirty fourth and fifth grade students from Kingdom Christian Academy, St. Louis; and Katie Linden, Alyssa Faughn, Jonathan Banks and Collin Loveless were made honorary pages.

Senator Caskey introduced to the Senate, Dave Quick, and forty seventh and eighth grade students from East Lynne

School, Cass County.

Senator Kenney introduced to the Senate, Professor Timothy J. Hughes, Laura Cambron, Derek Drake, Kristina Haines, Kristy Thomas, Dana Downs, Craig Roush, Kelly Turner and

Adam Fisk, Longview Community College.

On motion of Senator Quick, the Senate adjourned until 9:30 a.m., Tuesday, May 5, 1998.

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FOURTH DAY--TUESDAY, MAY 5, 1998

The Senate met pursuant to adjournment.

Senator Staples in the Chair.

Senator Johnson offered the following prayer:

Blessed be the God and Father of our Lord Jesus Christ who through His abundant mercy has begotten us a living hope through the resurrection of His Son from the dead. Father, please help us to constantly remember what He has done for us and to thank Him for it. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			

HOUSE BILLS ON THIRD READING

HB 1357, introduced by Representative Broach, et al, entitled:

An Act to repeal section 195.017, RSMo Supp. 1997, relating to the schedule of controlled substances, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator McKenna.

On motion of Senator McKenna, **HB 1357** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Flotron	Goode	House

Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Clay	Curls	Ehlmann	Graves
Rohrbach	Schneider--6		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 996, introduced by Representative Kennedy, entitled:

An Act to amend chapter 327, RSMo, relating to the practice of architecture, by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 996** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Clay	Curls	Ehlmann--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

HB 1705, introduced by Representative Hoppe, entitled:

An Act relating solely to intoxicating liquor wholesalers' and retailers' delivery practices, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HB 1705** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Caskey--1			
Absent--Senators			
Clay	Curls	Russell--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

HB 1556, with **SCS**, introduced by Representative Dougherty, entitled:

An Act to repeal section 210.109, RSMo Supp. 1997, relating to the child protection system established by the division of family services, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Howard.

SCS for **HB 1556**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1556

An Act to repeal sections 210.115 and 210.135, RSMo 1994, and section 210.109, RSMo Supp. 1997, relating to the child protection system established by the division of family services, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Howard moved that **SCS** for **HB 1556** be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **HB 1556** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Clay	Curls--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Ehlmann moved that motion lay on the table, which motion prevailed.

HB 1805, introduced by Representative Chrismer, entitled:

An Act to authorize the governor to convey certain property to the city of St. Peters.

Was called from the Consent Calendar and taken up by Senator Ehlmann.

Senator Ehlmann moved that **HB 1805** be read the 3rd time and finally passed.

At the request of Senator Ehlmann, the above motion was withdrawn.

Senator Johnson announced that photographers from the Senate had been given permission to take pictures in the Senate Chamber today.

HB 1369, with **SCA 1**, introduced by Representative Smith, entitled:

An Act to repeal section 260.819, RSMo Supp. 1997, relating to removal costs for oil spills, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator House.

SCA 1 was taken up.

Senator House moved that the above amendment be adopted, which motion prevailed.

On motion of Senator House, **HB 1369**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna

Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Clay	Curls	Quick--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 1528, with **SCS**, introduced by Representative Smith, entitled:

An Act to repeal sections 57.280 and 57.290, RSMo Supp. 1997, relating to sheriff's charges, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator House.

SCS for **HB 1528**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1528

An Act to repeal section 301.380, RSMo 1994, and sections 57.280 and 57.290, RSMo Supp. 1997, and to enact in lieu thereof four new sections relating to the duties of sheriffs.

Was taken up.

Senator House moved that **SCS** for **HB 1528** be adopted, which motion prevailed.

On motion of Senator House, **SCS** for **HB 1528** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Curls	Quick--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Ehlmann moved that motion lay on the table, which motion prevailed.

Senator Ehlmann moved that **HB 1805** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Ehlmann requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Rohrbach offered SA 1:

SENATE AMENDMENT NO. 1

Amend House Bill No. 1805, Page 2, Section 1, Line 24, by adding after the end of said line the following:

"Section 2. 1. The governor is hereby authorized and empowered to give, grant, bargain, convey and confirm an easement to Cole County over and across a certain strip of land in Cole County, Missouri, which is used by the department of corrections for the purpose of establishing and maintaining a public road. The land is more particularly described as follows:

A 60 foot-wide strip of land across part of the South Half of Section 19 and the North Half of Section 30, Township 45 North, Range 12 West, and the South Half of Sections 23 and 24, and the North Half of Sections 25 and 26, Township 45 North, Range 13 West, Cole County, Missouri; lying 30 feet each side of and adjacent to the following described centerline: From the northeast corner of said Section 26; thence S7018'26"W, 4079.03 feet to the centerline of Missouri State Route "T" and the point of beginning for this centerline description; thence northeasterly, on a curve to the left having a radius of 200.389 feet, an arc length of 83.181, the chord being N6223'30"E, 82.585 feet; thence N5030'00"E, 86.973 feet; thence northeasterly, on a curve to the left having a radius of 1500.00 feet, an arc length of 91.63 feet, the chord being N4845'00"E, 91.616 feet; thence N4700'00"E, 312.358 feet; thence northeasterly, on a curve to the left having a radius of 1100.00 feet, an arc length of 192.626 feet, the chord being N4159'00"E, 192.38 feet; thence N3658'00"E, 516.059 feet; thence northeasterly, on a curve to the right having a radius of 250.00 feet, an arc length of 181.66 feet, the chord being N5747'00"E, 177.689 feet; thence N7836'00"E, 287.442 feet; thence N7724'00"E, 317.086 feet; thence easterly, on a curve to the right having a radius of 250.00 feet, an arc length of 215.839 feet, the chord being S7752'00"E, 209.198 feet; thence S5308'00"E, 834.664 feet; thence southeasterly, on a curve to the right having a radius of 2000.00 feet, an arc length of 136.717 feet, the chord being S5110'30"E, 136.691 feet; thence S4913'00"E, 68.197 feet; thence southeasterly, on a curve to the left having a radius of 700.00 feet, an arc length of 122.173 feet, the chord being S5413'00"E, 122.018 feet; thence S5913'00"E, 352.725 feet; thence easterly, on a curve to the left having a radius of 400.00 feet, an arc length of 127.874 feet, the chord being S6822'30"E, 127.331 feet; thence S7732'00"E, 360.048 feet; thence easterly, on a curve to the left having a radius of 480.00 feet, an arc length of 212.511 feet, the chord being N8947'00"E, 210.78 feet; thence northeasterly, on a curve to the left having a radius of 527.00 feet, an arc length of 213.238 feet, the chord being N6530'30"E, 211.787 feet; thence N5355'00"E, 76.552 feet; thence northeasterly, on a curve to the left having a radius of 250.00 feet, an arc length of 117.81 feet, the cord being N4025'00"E, 116.723 feet; thence N2655'00"E, 632.281 feet; thence northeasterly, on a curve to the left having a radius of 2640.00 feet, an arc length of 289.515 feet, the chord being N2346'30"E, 289.37 feet; thence N2038'00"E, 178.286 feet; thence northeasterly, on a curve to the right having a radius of 260.00 feet, an arc length of 282.179 feet, the chord being N5143'30"E, 268.533 feet; thence N8249'00"E, 321.536 feet; thence northeasterly, on a curve to the left having a radius of 280.00 feet, an arc length of 247.685 feet, the chord being N5728'30"E, 239.689 feet; thence N3208'00"E, 197.124 feet; thence northeasterly, on a curve to the right having a radius of 880.00 feet, an arc length of 393.705 feet, the chord being N4457'00"E, 390.425 feet; thence N5746'00"E, 271.67 feet; thence N6022'00"E, 152.267 feet; thence easterly, on a curve to the right having a radius of 300.00 feet, an arc length of 197.135 feet, the chord being N7911'30"E, 193.607 feet; thence S8159'00"E,

305.488 feet; thence easterly, on a curve to the right having a radius of 670.00 feet, an arc length of 289.029 feet, the chord being S6937'00"E, 286.794 feet; thence S5716'00"E, 579.552 feet; thence easterly, on a curve to the left having a radius of 380.00 feet, an arc length of 242.63 feet, the chord being S7533'30"E, 238.529 feet; thence N8609'00"E, 256.043 feet; thence easterly, on a curve to the left having a radius of 2500.00 feet, an arc length of 128.718 feet, the chord being N8440'30"E, 128.704 feet; thence N8312'00"E, 305.712 feet; thence easterly, on a curve to the left having a radius of 2000.00 feet, an arc length of 121.591 feet, the chord being N8127'30"E, 121.573 feet; thence N7943'00"E, 138.046 feet; thence easterly, on a curve to the left having a radius of 450.00 feet, an arc length of 104.589 feet, the chord being N7303'30"E, 104.354 feet; thence N6624'00"E, 178.061 feet; thence easterly, on a curve to the right having a radius of 540.00 feet, an arc length of 259.967 feet, the chord being N8011'30"E, 257.464 feet; thence S8601'00"E, 131.584 feet; thence easterly, on a curve to the left having a radius of 555.00 feet, an arc length of 197.122 feet, the chord being N8348'30"E, 196.087 feet; thence N7338'00"E, 275.285 feet; thence easterly, on a curve to the left having a radius of 1500.00 feet, an arc length of 229.509 feet, the chord being N6915'00"E, 229.285 feet; thence N6452'00"E, 110.578 feet; thence easterly, on a curve to the right having a radius of 900.00 feet, an arc length of 355.00 feet, the chord being N7610'00"E, 352.702 feet; thence easterly, on a curve to the left having a radius of 894.2521 feet, an arc length of 199.1725 feet, the chord being N8105'10"E, 198.76 feet; thence N7442'20"E, 47.5321 feet; thence northeasterly, on a curve to the left having a radius of 457.4641 feet, an arc length of 141.3648 feet, the chord being N6551'10"E, 140.80 feet; thence northeasterly, on a curve to the left having a radius of 940.00 feet, an arc length of 260.857 feet, the chord being N4903'00"E, 260.021 feet; thence N4106'00"E, 163.764 feet; thence northeasterly, on a curve to the right having a radius of 600.00 feet, an arc length of 119.904 feet, the chord being N4649'30"E, 119.705 feet; thence N5233'00"E, 333.607 feet; thence northeasterly, on a curve to the left having a radius of 280.00 feet, an arc length of 120.137 feet, the chord being N4015'30"E, 119.217 feet; thence N2758'00"E, 332.647 feet; thence northeasterly, on a curve to the right having a radius of 250.00 feet, an arc length of 265.508 feet, the chord being N5823'30"E, 253.205 feet; thence N8849'00"E, 144.356 feet; thence easterly, on a curve to the right having a radius of 250.00 feet, an arc length of 88.43 feet, the chord being S8103'00"E, 87.97 feet; thence S7055'00"E, 95.001 feet; thence southeasterly, on a curve to the right having a radius of 900.00 feet, an arc length of 157.603 feet, the chord being S6554'00"E, 157.402 feet; thence S6053'00"E, 134.796 feet; thence S5812'00"E, 282.136 feet; thence southeasterly, on a curve to the left having a radius of 2000.00 feet, an arc length of 172.788 feet, the chord being S6040'30"E, 172.734 feet; thence S6309'00"E, 79.593 feet; thence southeasterly, on a curve to the right having a radius of 370.00 feet, an arc length of 149.173 feet, the chord being S5136'00"E, 148.165 feet; thence S4003'00"E, 201.554 feet; thence southeasterly, on a curve to the left having a radius of 400.00 feet, an arc length of 279.485 feet, the chord being S6004'00"E, 273.835 feet; thence S8005'00"E, 42.804 feet; thence southeasterly on a curve to the right having a radius of 195.973 feet, an arc length of 105.69 feet, the chord being S6438'00"E, 104.414 feet to the point of termination."; and

Further amend said bill by amending the titling and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Ehlmann, **HB 1805**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Banks	Curls	Kinder--3	

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 1578, introduced by Representative Hilgemann, entitled:

An Act to repeal section 184.360, RSMo 1994, relating to metropolitan park and museum district, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Clay.

On motion of Senator Clay, **HB 1578** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Banks	Curls	Johnson--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

HB 1228, introduced by Representative May (108th), entitled:

An Act to repeal sections 347.163 and 359.021, RSMo 1994, and section 358.510, RSMo Supp. 1997, relating to business organizations, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Klarich.

On motion of Senator Klarich, **HB 1228** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob

Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Banks	Curls	Johnson	Quick--4
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Lybyer moved that motion lay on the table, which motion prevailed.

HB 986, introduced by Representative Backer, entitled:

An Act to amend chapter 109, RSMo, relating to public records by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Lybyer.

On motion of Senator Lybyer, **HB 986** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Banks	Curls	Johnson--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

HB 1309, with **SCS**, introduced by Representative Clayton, et al, entitled:

An Act to amend chapter 351, RSMo, relating to corporations by adding thereto one new section relating to the merger of a domestic corporation with a direct or indirect wholly owned subsidiary without an election of shareholders.

Was called from the Consent Calendar and taken up by Senator Wiggins.

SCS for HB 1309, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1309

An Act to amend chapter 351, RSMo, relating to corporations by adding thereto one new section relating to the merger of a domestic corporation with a direct or indirect wholly owned subsidiary without an election of shareholders.

Was taken up.

Senator Wiggins moved that **SCS for HB 1309** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS for HB 1309** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Banks	Curls	Howard	Johnson--4
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

HB 1571, with **SCS**, introduced by Representative Monaco, entitled:

An Act to repeal sections 404.051, 404.550, 473.333, 475.130 and 475.190, RSMo 1994, and section 404.714, RSMo Supp. 1997, relating to the standard fiduciaries are to follow in making investments, and to enact in lieu thereof six new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Maxwell.

SCS for HB 1571, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1571

An Act to repeal sections 362.600, 404.051, 404.550, 473.333, 475.130 and 475.190, RSMo 1994, and section 404.714,

RSMo Supp. 1997, relating to the standards for financial transactions, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up.

Senator Maxwell moved that **SCS** for **HB 1571** be adopted, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **HB 1571** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	House
Howard	Jacob	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28
NAYS--Senator Kinder--1			
Absent--Senators			
Banks	Bentley	Curls	Graves
Schneider--5			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HCS** for **HB 1315** and **HS** for **HB 1070**, with **SCS**; and **HS** for **HCS** for **HB 1161**, with **SCS**; and **SB 773**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SB 773, introduced by Senator Howard, et al, entitled:

An Act to repeal section 197.317, RSMo Supp. 1997, relating to certificate of need moratorium dates, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

On motion of Senator Howard, **SB 773** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob

Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Rohrbach--1		
	Absent--Senators		
Curls	Ehlmann	Schneider--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 1161**, with **SCS**, entitled:

An Act to repeal sections 640.102, 640.115, 640.120, 640.125, 640.130, 644.101, 644.116 and 644.122, RSMo 1994, and section 640.100, RSMo Supp. 1997, relating to public drinking water, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions and an emergency clause.

Was taken up by Senator Goode.

SCS for **HS** for **HCS** for **HB 1161**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1161

An Act to repeal sections 640.102, 640.115, 640.120, 640.125, 640.130, 644.101, 644.116 and 644.122, RSMo 1994, relating to public drinking water, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions and an emergency clause.

Was taken up.

Senator Goode moved that **SCS** for **HS** for **HCS** for **HB 1161** be adopted.

Senator Goode offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1161, Page 1, In the Title, Line 3, by inserting after "1994," the following: "and section 640.100, RSMo Supp. 1997,"; and

Further amend said bill and page, section A, line 2, by inserting after "1994," the following: "and section 640.100, RSMo Supp. 1997,".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1161, Page 14, Section 644.122, Line 42, by inserting immediately thereafter:

"644.509. In addition to those sums authorized prior to August 28, 1998, the board of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of fifteen million dollars in the manner and for the purposes set out in chapter 640, RSMo, and chapter 644."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1161, Page 2, Section 640.100, Lines 13-15, by striking all of said lines and inserting in lieu thereof the following: **"to the subject thereof. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 640.100 to 640.140 shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."**

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1161, Page 13, Section 644.042, Line 8, by adding at the end of said line the following: **"As of July 1, 1998, the Department of Natural Resources shall not issue a permit for the operation of a solid waste processing facility or solid waste disposal area if the proposed site is within 2,500 feet of a losing stream or is within 2,500 feet of any water supply well, as that term is defined in section 256.603, RSMo., unless the applicant has provided to the department written consent to the operation of such facility that is signed by at least 75% of the owners of record of any well within the 2,500 feet."**

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

President Pro Tem McKenna assumed the Chair.

Senator Childers offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1161, Page 1, In the Title, Line 4, by deleting the word "sixteen" and inserting in lieu thereof the word "seventeen"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "sixteen" and inserting in lieu thereof the word "seventeen"; and

Further amend said bill, Page 1, Section A, Line 5, by deleting the word and figure "and 644.122" and inserting in lieu thereof the following: ", 644.122 and 1"; and

Further amend said bill, Page 14, Section 644.122, Line 42, by inserting after all of said line the following:

"Section 1. 1. As used in this section, the following terms shall mean:

(1) "Marine sanitation device", any equipment on board a vessel which is designed to receive, retain, treat or discharge sewage, and any process to treat sewage on board. Marine sanitation device includes:

(a) Type I marine sanitation device, which produces an effluent having a fecal coliform bacteria count of not greater than one thousand per one hundred milliliters and no visible floating solids;

(b) Type II marine sanitation device, which produces an effluent having a fecal coliform bacteria count not greater than two hundred per one hundred milliliters and suspended solids not greater than one hundred fifty milligrams per liter; and

(c) Type III marine sanitation device, which is certified to a no-discharge standard, including recirculating and incinerating marine sanitation devices and holding tanks;

(2) "Sewage", human body wastes, and the wastes from toilets and other receptacles intended to retain body waste;

(3) "Vessel", every description of water-craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water;

(4) "Y valve", a device capable of diverting the flow of marine sewage so that a vessel's marine sanitation device is bypassed and raw sewage is discharged directly into the water.

2. The following vessels equipped with an installed toilet shall be equipped with an operable marine sanitation device:

(1) A vessel sixty-five feet in length and under shall have a type I, II or III marine sanitation device; or

(2) A vessel over sixty-five feet in length shall have a type II or III marine sanitation device.

3. (1) A type I or II marine sanitation device shall have a certification label affixed that at a minimum shows:

(a) The name of the manufacturer;

(b) The name and model number of the device;

(c) The month and year of manufacture;

(d) The marine sanitation device type;

(e) A certification number; and

(f) A certification statement.

(2) A type III marine sanitation device is automatically certified and requires no label, provided it stores sewage and flushwater only at ambient air temperature and pressure.

4. While a vessel with an installed toilet is on Missouri waters, the operator shall ensure that:

(1) All pathways for overboard discharge of vessel sewage from any vessel with a type III marine sanitation device are blocked or secured in such a way as to prevent any accidental or intentional vessel sewage discharge, by disconnecting or physically blocking the onboard sewage lines or hull fittings which would allow for overboard vessel sewage discharge; and

(2) Any installed in-line Y valve shall be secured to prevent the overboard discharge of sewage from any vessel utilizing a type III marine sanitation device, by bypassing, locking, securing or disabling the valve using a padlock or nonreusable wire tie wrap, or by removal of the valve handle, or by any other method in accordance with federal regulations and standards or as approved or required by the Missouri state water patrol.

5. The chosen compliance method pursuant to subdivision (2) of subsection 4 of this section shall totally eliminate the possibility of overboard vessel sewage discharge while in waters of the state. The method chosen shall present a physical barrier to the use of the Y valve, whether accidental or intentional, so that use of the valve cannot occur without the knowledge of the operator of the vessel.

6. For any vessel offered as a noncaptained charter, the leasing entity shall:

(1) Ensure that the vessel complies with this section when presented to the lessor; and

(2) Include the lease agreement, signed by the leasing party, a paragraph outlining the operator's responsibilities pursuant to this section.

7. A person who violates the provisions of this section is subject to a civil penalty not to exceed two thousand dollars."

Senator Childers moved that the above amendment be adopted.

Senator Goode offered **SA 1** to **SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1161, Page 5, Section 1, Line 4 of said page, by inserting after said line the following:

"7. The provisions of this section shall not apply to any vessel operated upon the Mississippi River or the Missouri River."; and renumber the remaining subsection accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

SA 5, as amended, was again taken up.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1161, Page 12, Section 644.018, Line 1, by inserting immediately following the word "case" of said line the following: "**or judicial proceeding**".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SCS** for **HS** for **HCS** for **HB 1161**, as amended, be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

On motion of Senator Goode, **SCS** for **HS** for **HCS** for **HB 1161**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
House	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
McKenna	Mueller	Quick	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--27	

NAYS--Senators

Graves	Howard	Lybyer	Rohrbach
Staples--5			

Absent--Senators

Banks Curls--2

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Jacob	Kenney
Kinder	Klarich	Mathewson	Maxwell
McKenna	Mueller	Quick	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--27	

NAYS--Senators

Graves	Howard	Johnson	Lybyer
Rohrbach	Staples--6		

Absent--Senator Curls--1

Absent with leave--Senators--None

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Staples moved that **HCS** for **HBs 1681** and **1342**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HBs 1681** and **1342**, as amended, was again taken up.

Senator Caskey offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1681 and 1342, Page 1, In the Title, Line 3, by inserting after "transportation" the following: "and transportation services"; and

Further amend said bill, page 3, section 21.795, line 80, by inserting after all of said line the following:

"190.044. 1. No taxpayer shall be required to pay property taxes for ground ambulance service to both an ambulance district and a fire protection district which operates a ground ambulance service, unless reaffirmed and authorized pursuant to this section. In the event that a taxpayer in a third class county is paying taxes to both entities to provide ground ambulance service, any taxpayer residing in the area subject to the double tax may file a petition with the county clerk in which the area, or greatest part thereof, is situated requesting that the double tax be eliminated and that the area only pay a tax to one entity.

2. Upon receipt of such petition, the county clerk shall determine the area taxed by two such entities and place the question before the voters of such area at the next state or municipal election. The petition shall request that the following question be submitted to the voters residing within the geographic limits of the area:

**The (description of area) is currently paying a tax to provide ambulance service to the
. (name of entity created first) and the (name of entity created second). As a result, shall the tax
paid to provide ambulance service to the (name of entity created second) be eliminated?**

Yes No

3. If a majority of the votes cast are in favor of the elimination of the tax levied and collected by the entity providing ambulance service, then the remaining entity will be declared as the single taxing entity for the area in question. The taxpayers within the area shall thereafter only pay one tax to the remaining entity following a three-year period, over which the tax rate levied and collected shall be decreased by one-third each year until such tax is no longer levied or collected by the entity whose tax was proposed for elimination by the petition. If a majority of the votes cast are opposed to the elimination of the tax, then the tax shall be reaffirmed.

4. All costs incurred by the county clerk as a result of this section, including election costs, shall be paid by the entity whose tax was proposed for termination by the petition.

5. The boundaries and service area of the entities providing ambulance service will reflect the change as determined by the election.

190.100. As used in sections [190.100 to 190.190] **190.100 to 190.199**, the following words and terms mean:

(1) **"Advance life support (ALS)", an advanced level of care as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.100 to 190.199;**

(2) **"Ambulance", any privately or publicly owned [motor vehicle or, on or after January 1, 1988, any aircraft, if such motor vehicle or aircraft] vehicle or aircraft that is specially designed [or constructed and equipped and is intended to be used for and is maintained or operated for the transportation of patients, including dual-purpose police patrol cars and**

funeral coaches or hearses which otherwise comply with the provisions of sections 190.100 to 190.190], **constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals or medical personnel**, but the term does not include any motor vehicle specially designed, constructed or converted for the transportation of persons [permanently disabled and] **who are disabled, handicapped**, normally using a wheelchair, or [handicapped persons] **otherwise** not acutely ill, or emergency vehicles [at] **used within** airports;

[(2) "Apprentice", any individual who is not a licensed attendant or attendant-driver, but who holds a certificate of apprenticeship issued by the license officer;

(3) "Attendant", a trained and qualified individual responsible for the operation of an ambulance and the care of the patients transported thereby whether or not the attendant also serves as driver;

(4) "Attendant-driver", a person who is qualified as an attendant and a driver;

(5) "Board", the state board of health of Missouri;

(6) "Dual-purpose police patrol car", a vehicle, operated by a police department, which is equipped as an ambulance, even though it is also used for patrol or other police purposes;

(7) "Emergency medical technician", any person who has successfully completed a course of training approved by the health officer and is certified by the health officer in preliminary emergency medical care;

(8) "Health officer", the director of the department of health of the state of Missouri or his duly authorized representative;

(9) "License officer", the director of the department of health of the state of Missouri or his duly authorized representative;

(10) "Local physician medical advisor" or "local physician medical advisory committee", a physician or group of physicians licensed pursuant to chapter 334, RSMo, appointed by the ambulance service and who meet criteria established by the department of health. The local physician medical advisor or local physician medical advisory committee shall have the responsibility to monitor prehospital medical care and ensure that prehospital standards of care and protocols are met;]

(3) "Ambulance service", a person or entity that provides emergency or nonemergency medical transportation and services, or both, in compliance with sections 190.100 to 190.199, and the rules promulgated by the department pursuant to sections 190.100 to 190.199;

(4) "Ambulance service area", a specific geographic area in which an ambulance service has been licensed to operate;

(5) "Basic life support", a basic level of care, as provided to the adult and pediatric patient as defined by the national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.100 to 190.199;

(6) "Department", the department of health, state of Missouri;

(7) "Director", the director of the department of health or the director's duly authorized representative;

(8) "Dispatch agency", any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;

(9) "Emergency medical response agency", any person that uses public highways or streets to regularly provide a

level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;

(10) "Emergency medical technician", a person licensed as an EMT-B or EMT-P by the department;

(11) "Emergency medical technician-basic" or "EMT-B", a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.100 to 190.199 and rules adopted by the department pursuant to sections 190.100 to 190.199;

(12) "Emergency medical technician-paramedic" or "EMT-P", a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.100 to 190.199 and rules adopted by the department pursuant to sections 190.100 to 190.199;

(13) "Emergency services", health care items and services furnished or required to screen and stabilize an emergency medical condition, which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider;

(14) "First responder", a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.100 to 190.199 and who provides emergency medical care through employment by or in association with an emergency medical response agency;

(15) "Medical director", a physician licensed pursuant to chapter 334, RSMo, designated by the ambulance service or emergency medical response agency and who meets criteria specified in rules adopted by the department pursuant to sections 190.100 to 190.199;

(16) "Memorandum of understanding", an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;

[(11)] (17) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

[(12)] (18) "Person", as used in these definitions and elsewhere in sections 190.100 to 190.199, any individual, firm, partnership, **copartnership, joint venture**, association, **cooperative organization**, corporation, [company, group of individuals acting together for a common purpose or organization of any kind, including any governmental agency other than the United States or the state of Missouri];

(13) "Mobile emergency medical technician", a licensed attendant who has been specially trained in emergency cardiac and noncardiac care, and who has successfully completed an emergency service training program certified by the health officer as meeting the requirements of sections 190.100 to 190.190.] **municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;**

(19) "Physician", a person licensed as a physician pursuant to chapter 334, RSMo;

(20) "Political subdivision", any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service; and

(21) "Protocol", a predetermined, written medical care guideline, which may include standing orders.

190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients [upon the streets, alleys, or any public way or place of] **in the state of Missouri unless [he] such person holds a currently valid license from the department for an ambulance service issued pursuant to the provisions of sections [190.100 to 190.195] 190.100 to 190.199.**

2. No ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes [on the streets, alleys, or any public way or place of] **in the state of Missouri unless [it] the ambulance is under the immediate supervision and direction of a person who is holding a currently valid [license as an attendant-driver or attendant; except that, nothing in this section shall be construed to mean that a duly licensed registered nurse or a duly licensed physician be required to hold an attendant-driver or attendant license.] Missouri license as an emergency medical technician; except that nothing in this section shall be construed to mean that a duly registered nurse or a duly licensed physician be required to hold an emergency medical technician's license. Each ambulance service is responsible for assuring that any person driving its ambulance is competent in emergency vehicle operations and has a safe driving record.**

3. [No person, as either owner, agent or otherwise, who holds a currently valid license for an ambulance, shall, incident to his business or service of transporting patients, transport, carry or convey patients in any vehicle other than an ambulance, but no such licenses] **No license shall be required for an ambulance service, or for the emergency medical technician [attendant, attendant-driver, or certificated apprentice] of an ambulance, which:**

(1) Is rendering assistance [to licensed ambulances in the case of a major catastrophe or emergency with which the licensed ambulances of that locality are insufficient or unable to cope] **in the case of an emergency, major catastrophe or any other unforeseen event or series of events which jeopardize the ability of the ambulance service to promptly respond to emergencies; or**

(2) Is operated from a location or headquarters outside of Missouri in order to transport patients who are picked up beyond the limits of Missouri to locations within or outside of Missouri, but no such outside ambulance **service shall be used to pick up patients within Missouri for transportation to locations within Missouri, [except in emergency, unless the driver, attendant and attendant-driver and the person subject to the provisions of sections 190.100 to 190.195 in respect of such ambulance hold currently valid licenses issued pursuant to sections 190.100 to 190.195] except as provided in subdivision (1) of this subsection.**

4. The issuance of a license under the provisions of sections [190.100 to 190.195] **190.100 to 190.199** shall not be construed so as to authorize any person[, firm, corporation, or association] to provide ambulance services or to operate any ambulances without a franchise in any [county, municipality or] political subdivision which has enacted an ordinance making it unlawful to do so.

5. Notwithstanding any law to the contrary, any person or entity that owned and operated a licensed ambulance on December 31, 1997, shall have the right to maintain as its ambulance service area, or similar designation, that geographic area which was, on December 31, 1997, described as the primary service area for its licensed vehicles, and any subsequent franchise requirements lawfully imposed by a political subdivision shall not limit or otherwise affect the ability of such person or entity to fully operate as it was operating on December 31, 1997, provided that the person or entity obtains an ambulance service license as set forth under this act.

6. A legally enforceable contract to provide emergency ambulance service for a political subdivision shall expand, without further action by the department, the ambulance service area of the licensed ambulance service under contract with the political subdivision to include the political subdivision for the term of the contract, provided the licensed ambulance service meets all other requirements for licensure under this act. Subsequent termination of the contract shall result in the corresponding reduction of such service area by removing such political subdivision from the ambulance service area of said ambulance service.

7. All ambulance services shall operate in accordance with state regulations. No provider of ambulance service within the state of Missouri which is licensed by the department to provide such service shall discriminate

regarding treatment or transportation of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national origin, ancestry, handicap, medical condition or ability to pay.

[5.] **8.** Sections 190.100 to [190.195] **190.245** shall [not] preclude the adoption of any law, ordinance or regulation [not] in conflict with this statute by any county, municipality or political subdivision.

[6.] **9.** An ambulance **service** when operated for the purpose of transporting persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or contract carrier under the jurisdiction of the Missouri public service commission.

[7.] **10.** Sections 190.100 to [190.195] **190.245** shall not apply to, nor be construed to include, any motor vehicle used by an employer for the transportation of [his] **such employer's** employees whose illness or injury occurs on private property, and not on a public highway, nor to any person operating such a motor vehicle.

190.108. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an ambulance service license.

2. The department shall issue an ambulance service license, for a period of three years, if the applicant meets the requirements established pursuant to sections 190.100 to 190.199, and the rules adopted by the department. Except as provided in subsections 5 and 6 of section 190.105, before the department shall issue any new or expanded service area associated with any ambulance service license, the applicant must submit, at its sole cost and expense, a certification from each political subdivision in which it proposes to operate, that the proposed ambulance service:

- (1) Provides benefits to the public health that outweigh the associated costs;**
- (2) Enhances the public's access to ambulance service; and**
- (3) Will coordinate with existing ambulance services.**

3. The department may promulgate rules relating to the requirements for an ambulance service license, including but not limited to:

- (1) Response, patient care and transportation standards;**
- (2) Vehicle design, specification, operation and maintenance standards;**
- (3) Equipment requirements;**
- (4) Staffing requirements;**
- (5) Licensure fees;**
- (6) Ambulance service areas;**
- (7) Records and forms;**
- (8) Medical control plans;**
- (9) Medical director qualifications;**
- (10) Standards for medical communications; and**
- (11) Memoranda of understanding with emergency medical response agencies that provide advanced life support.**

4. Application for an ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.100 to 190.199. The application form shall contain such information as the department deems necessary to make a determination as to whether the ambulance service meets all the requirements of sections 190.100 to 190.199 and rules promulgated pursuant to sections 190.100 to 190.199.

5. No fee will be required for an ambulance owned or operated by a political subdivision of the state.

[190.110. 1. An application for an ambulance license shall be made upon such forms as may be prepared or prescribed by the license officer and shall contain:

- (1) The name and address of the applicant and of the owner of the ambulance;
- (2) The trade or other fictitious name, if any, under which the applicant does business and proposes to do business;
- (3) The training and experience of the applicant in the transportation and care of patients;
- (4) A description of each ambulance, including the make, model, year of manufacture, motor and chassis number or other distinguishing number; current state license number; the length of time the ambulance has been in use; and the color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate applicant's ambulance;
- (5) The location and description of the place from which it is intended to operate;
- (6) Such other information as the license officer shall deem reasonably necessary to a fair determination of compliance with sections 190.100 to 190.195.

2. An annual license fee of twenty dollars shall accompany each application for each ambulance, but no fee will be required for an ambulance owned or operated by a political subdivision of the state.]

[190.115. 1. Each ambulance shall, at all times when in use as such:

- (1) Be suitable for the transportation of patients from the standpoint of health, sanitation and safety, and be maintained in suitable premises;
- (2) Contain equipment conforming with the standards, requirements and regulations provided for herein, which equipment shall be in proper and good condition for such use;
- (3) Currently comply with all applicable laws and local ordinances relating to health, sanitation and safety;
- (4) Be equipped with such lights, sirens and special markings to designate it as an ambulance as may be prescribed in reasonable regulations promulgated by the board;
- (5) Be equipped with approved safety belts for the driver, and for a passenger in the front seat if such seat is provided;
- (6) Be equipped with an approved safety belt for the attendant in the patient compartment and an approved restraining device for the litter and patient; and
- (7) Be covered by an insurance policy in conformance with section 190.120.

2. Any change of ownership of a licensed ambulance shall terminate the license and shall require a new application and a new license and conformance with all the requirements of sections 190.100 to 190.195 as upon original licensing.

3. Application for transfer of any ambulance license to another or substitute vehicle shall require conformance with all the requirements of sections 190.100 to 190.195 as upon original licensing and approval of the licensing officer. No ambulance license may be sold, assigned, mortgaged or otherwise transferred without prior approval of the license officer and a finding by him of conformance with all the requirements of sections 190.100 to 190.195 as upon original

licensing.

4. Each licensed ambulance, its equipment and the premises designated in the application and all records relating to its maintenance and operation as such, shall be open to inspection by the health officer or his designated representative during usual hours of operation.

5. No official entry made upon a license may be defaced, removed or obliterated.]

190.120. 1. No ambulance **service** license shall be issued [under] **pursuant to** sections [190.100 to 190.195] **190.100 to 190.199**, nor shall such license be valid after issuance, nor shall any ambulance be operated in Missouri unless there is at all times in force and effect insurance coverage issued by an insurance company for each and every ambulance owned or operated by or for the applicant or licensee, or unless any city not within a county which owns or operates the license has at all times sufficient self-insurance coverage to provide for the payment of damages in an amount as prescribed [by the board] **in regulation**:

(1) For injury to or death of individuals in accidents resulting from any cause for which the owner of said vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or [his] **the owner's** agent; and

(2) For the loss of or damage to the property of another, including personal property, under like circumstances.

2. The insurance policy, or in the case of a self-insured city not within a county, proof of self-insurance, shall be submitted by all licensees required to provide such insurance [under] **pursuant to** sections [190.100 to 190.195] **190.100 to 190.199**. The insurance policy, or proof of the existence of self-insurance of a city not within a county, shall be submitted to the [license officer] **director**, in such form as [he] **the director** may specify, for [his] **the director's** approval prior to the issuance of each ambulance **service** license.

3. Every insurance policy required by the provisions of this section shall contain or in the case of a self-insured city not within a county shall have proof of a provision for a continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon; that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the assured; and that until the policy is revoked the insurance company or self-insured city not within a county will not be relieved from liability on account of nonpayment of premium, failure to renew license at the end of the year, or any act or omission of the named assured. Such policy of insurance or self-insurance shall be further conditioned for the payment of any judgments up to the limits of said policy, recovered against any person other than the owner, [his] **the owner's** agent or employee, who may operate the same with the consent of the owner.

4. Every insurance policy or self-insured city not within a county as required by the provisions of this section shall extend for the period to be covered by the license applied for and the insurer shall be obligated to give not less than thirty days' written notice to the [license officer] **director** and to the insured before any cancellation or termination thereof earlier than its expiration date, and the cancellation or other termination of any such policy shall automatically revoke and terminate the licenses issued for the [ambulances] **ambulance service** covered by such policy unless covered by another insurance policy in compliance with sections [190.100 to 190.195] **190.100 to 190.199**.

[190.125. 1. The license officer shall, upon receipt of an application for an ambulance license as provided for by the provisions of sections 190.100 to 190.195, cause such investigation as he deems necessary to be made of the applicant and of his proposed operations.

2. The license officer shall issue a license hereunder for a specified ambulance, to be valid for a period of one year, unless suspended, revoked or terminated, when he finds, upon proper notice and hearing:

(1) That the public convenience and necessity require the proposed ambulance service;

(2) That each ambulance, its required equipment and the premises designated in the application, have been certified by the health officer as provided herein;

- (3) That the applicant is a responsible person who bears a good reputation for honesty, integrity, fair dealing, and is competent to operate an ambulance service;
- (4) That the ambulance will be operated only by duly licensed attendants, attendant-drivers, and certificated apprentices;
- (5) That all the requirements of sections 190.100 to 190.195 and all other applicable laws and ordinances have been met.

3. Prior to the issuance of any ambulance license hereunder, the license officer shall cause an inspection to be made of the vehicles, equipment and premises designated in each application hereunder, and shall certify his approval in a written report when he finds compliance with the standards prescribed in subdivision (1) of section 190.115, section 190.120 and in section 190.130, and with the regulations promulgated under such sections; but the license officer shall have no responsibility, and shall exercise no authority in connection with laws and ordinances of general applicability which deal with motor vehicle inspection.

4. Subsequent to the issuance of an ambulance license under the provisions of sections 190.100 to 190.195, the license officer shall cause a periodic inspection to be made of each licensed vehicle, and its equipment and premises, whenever he deems such inspection to be necessary, and shall promptly file a written report of his findings with the department of health. The periodic inspection hereunder shall be in addition to any other safety or motor vehicle inspection required to be made for ambulances or other motor vehicles, or other inspections required to be made, under general law or ordinances, and shall not excuse compliance with any requirement of law or ordinance to display any official certificate of motor vehicle inspection and approval nor excuse compliance with the requirements of any other applicable general law or ordinance.

5. A copy of each ambulance, equipment and premises inspection report submitted by the license officer under the provisions of this section shall be promptly transmitted to the applicant or licensee to whom it refers.

6. The license officer may change periods to equalize work:

(1) Whenever he shall determine from an increase or decrease in the number of ambulance licenses in any given month, that the volume of clerical work and inspections of licensing of ambulances in such month has become so disproportionate to the volume of work in the remaining months, he is authorized and empowered to change the license period of such number of ambulances as may be necessary to increase or reduce the volume of licenses in one or more months by advancing the renewal date and shortening the license period of such ambulances.

(2) Such shifting of license months shall be accomplished by notifying the licensees of the change, giving them credit for the portion of the license period not yet elapsed. In such instances the license officer shall assign and issue a new license for the ambulance designating the new license expiration date.]

[190.130. Each licensee of an ambulance shall comply with such reasonable regulations as may be promulgated by the board and shall maintain in each such ambulance, at all times when it is in use as an ambulance, all equipment required in regulations promulgated by the board. In promulgating equipment regulations, the board shall take into consideration the current list of essential equipment for ambulances adopted by the American College of Surgeons.]

190.131. 1. The department shall accredit or certify training entities for first responders, emergency medical technicians-basic and emergency medical technicians-paramedic if the applicant meets the requirements established pursuant to sections 190.100 to 190.199, and the rules adopted by the department pursuant to sections 190.100 to 190.199, and fix reasonable application, accreditation and certification fees as are necessary to accomplish this purpose.

2. Such rules promulgated by the department shall set forth the minimum requirements for entrance criteria, training program curricula, instructors, facilities, equipment, medical oversight, recordkeeping, and reporting.

3. Application for training entity accreditation or certification shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.100 to 190.199. The application form shall contain such information as the department deems reasonably necessary to make a determination as to whether the training

entity meets all requirements of sections 190.100 to 190.199 and rules promulgated pursuant to sections 190.100 to 190.199.

4. Upon receipt of such application for training entity accreditation or certification, the department shall determine whether the training entity, its instructors, facilities, equipment, curricula and medical oversight meet the requirements of sections 190.100 to 190.199 and rules promulgated pursuant to sections 190.100 to 190.199.

5. Upon finding these requirements satisfied, the department shall issue a training entity accreditation or certification in accordance with rules promulgated by the department pursuant to sections 190.100 to 190.199.

6. Subsequent to the issuance of a training entity accreditation or certification, the department shall cause a periodic review of the training entity to assure continued compliance with the requirements of sections 190.100 to 190.199 and all rules promulgated pursuant to sections 190.100 to 190.199.

7. No person or entity shall hold itself out or provide training required by section 190.131 without accreditation or certification by the department.

190.133. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an emergency medical response agency license.

2. The department shall issue a license to any emergency medical response agency which provides advanced life support, for a period of three years, if the applicant meets the requirements established pursuant to sections 190.100 to 190.199, and the rules adopted by the department. The department may promulgate rules relating to the requirements for an emergency medical response agency, including, but not limited to:

(1) Licensure and relicensure;

(2) License fees;

(3) Medical direction;

(4) Records and forms; and

(5) Memorandum of understanding with local ambulance services and other operational procedures.

3. Application for an emergency medical response agency license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.100 to 190.199. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical response agency meets all the requirements of sections 190.100 to 190.199 and rules promulgated pursuant to sections 190.100 to 190.199.

4. No person or entity shall hold itself out or provide the services of an emergency medical response agency which provides advanced life support unless it is licensed by the department.

5. No fee will be required for an emergency medical response agency owned or operated by a political subdivision of the state.

190.134. A dispatch agency is required to have a memorandum of understanding with all ambulance services that it dispatches. If a dispatch agency provides prearrival medical instructions, it is required to have a medical director, whose duties include the maintenance of standards and protocol approval.

190.142. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license. The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of three years, if the applicant meets the requirements established pursuant to sections 190.100 to 190.199 and the rules adopted by the department. The department may promulgate rules relating to the requirements for emergency medical technician licensure, including but not limited to:

(1) Age requirements;

(2) Criminal history, meaning a final adjudication and finding of guilt, or the entering of a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States whether or not sentence is imposed pursuant to rules adopted by the department;

(3) Ability to speak, read and write the English language;

(4) Sound physique and possession of visual acuity, as found by a physician licensed under chapter 334, RSMo, upon examination attested to on a form provided by the department, conforming to that required for a chauffeur's license to be able to drive or attend an ambulance;

(5) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.100 to 190.199;

(6) Initial licensure testing requirements;

(7) Continuing education and relicensure requirements; and

(8) Licensure fees.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.100 to 190.199. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.100 to 190.199 and rules promulgated pursuant to sections 190.100 to 190.199.

4. All emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of emergency medical technicians as determine by the requirements of sections 190.100 to 190.199 and in the rules adopted by the department;

(2) Consistent with acceptable standard of patient care for emergency medical technicians;

(3) Ordered by a physician or set forth in protocols approved by the medical director; and

(4) Consistent with the rules adopted by the department pursuant to sections 190.100 to 190.199.

5. Each ambulance, when in use as an ambulance, shall be staffed with a minimum of one emergency medical technician and one other crew member as set forth in rules adopted by the department. When transporting a patient, at least one licensed emergency medical technician, registered nurse, or physician shall be in attendance with the patient in the patient compartment at all times.

6. No person shall hold himself or herself out or provide the services of an emergency medical technician unless that person is licensed by the department.

7. No fee will be required for an emergency medical technician employed by a political subdivision of the state.

[190.140. Notwithstanding any other provision of sections 190.100 to 190.190, mobile emergency medical technicians may do any of the following at the scene of the accident in an ambulance or at the emergency room of a licensed

hospital:

(1) Render rescue, first-aid and resuscitation services;

(2) Perform cardiopulmonary resuscitation and defibrillation in a pulseless, nonbreathing patient, and:

(a) For the cardiac arrest patient, the mobile emergency medical technician may initiate advanced cardiac life support procedures such as endotracheal intubation, initiation of intravenous lines, and administration of initial medications, according to current nationally acceptable emergency cardiac guidelines when approved by the department of health and the local physician medical advisor or local physician medical advisory committee;

(b) For the patient with severe, multisystem trauma or with compromised vital signs the mobile emergency medical technician may establish airway, apply and inflate the PAST garment, initiate intravenous therapy or administer initial medications according to protocols which have been approved by the department of health and the local physician medical advisor or local physician medical advisory committee;

(c) Notwithstanding the provisions of subdivision (4) of this section, procedures may be initiated pursuant to paragraphs (a) and (b) of this subdivision prior to any radio or telephone contact with a physician or registered nurse. After initiating procedures pursuant to paragraphs (a) and (b) of this subdivision, the mobile emergency medical technician shall immediately make radio or telephone contact with a physician or registered nurse designated by a physician;

(3) During training at the hospital and while caring for patients in the hospital administer parenteral medications under the direct supervision of a physician or a registered nurse; and

(4) Where voice contact or a telemetered electrocardiogram is monitored by a physician or a registered nurse authorized by a physician, and direct communication is maintained, mobile emergency medical technicians may upon order of such licensed physician or such licensed registered nurse do any of the following:

(a) Administer intravenous saline or glucose solutions;

(b) Perform gastric suction by intubation;

(c) Perform endotracheal intubation; and

(d) Administer parenteral injections of any of the following classes of drugs:

a. Antiarrhythmic agents;

b. Vagolytic agents;

c. Chronotropic agents;

d. Analgesic agents;

e. Alkalinizing agents;

f. Vasopressor agents; and

g. Other drugs which may be deemed necessary by such ordering physician;

(5) Deliver emergency medical care to the sick and injured while in the emergency department of a licensed hospital and until care responsibility is assumed by a licensed physician or a licensed registered nurse.] [190.141. 1. Notwithstanding any other provisions of sections 190.100 to 190.190, emergency medical technicians may perform any of the following at the scene of an emergency or in an ambulance:

(1) Patient assessment and vital signs;

(2) Airway maintenance to include use of:

- (a) Oropharyngeal and nasopharyngeal airways;
- (b) Esophageal obturator airways with or without gastric suction device; and
- (c) Oxygen demand valves;

(3) Oxygen therapy;

(4) Oropharyngeal suctioning;

(5) Cardiopulmonary resuscitation procedures;

(6) Control accessible bleeding;

(7) Application of pneumatic anti-shock garment;

(8) Management of outpatient medical emergencies;

(9) Extrication of patients and lifting and moving techniques;

(10) Management of musculoskeletal and soft tissue injuries to include dressing and bandaging wounds or the splinting of fractures, dislocations, sprains or strains and rendering first aid services;

(11) Use of backboards to immobilize the spine;

(12) Defibrillate a pulseless patient under the following conditions:

(a) Perform, when approved by the local physician medical advisor or local physician medical advisory committee and where voice contact by radio or telephone is monitored by a person licensed to practice medicine or a registered nurse, where authorized by a person licensed to practice medicine, and direct communication is maintained, upon order of such person or such nurse, defibrillation with an automatic external defibrillator with data recording capabilities; or

(b) Perform, during an emergency, that activity specified in paragraph (a) of this subsection, before contacting the person licensed to practice medicine and surgery or authorized registered nurse when specifically authorized to perform such activities by written protocols approved by the local physician medical advisory or local physician medical advisory committee and the department of health.

2. An employer of the paid or volunteer emergency medical technician shall have the same physician medical advisor or local physician advisory committee as the local licensed ambulance service, to review, approve and monitor the activities which include but are not limited to recordkeeping, equipment maintenance, quality assurance and operation standards of the emergency medical technician.]

[190.145. 1. The license officer shall, within a reasonable time after receipt of an application, cause such investigation as he deems necessary to be made of the applicant for an attendant's or attendant-driver's license. The director of the department of health may authorize investigations into criminal and driving records in other states for any applicant.

2. The license officer shall issue a license to an attendant or attendant-driver, valid for a period of three years, unless earlier suspended, revoked or terminated, when he finds that the applicant:

(1) Is eighteen years of age or older;

(2) Is not addicted to the use of intoxicating liquors or narcotics, and is morally fit for the position;

(3) Is able to speak, read and write the English language;

(4) Has been found by a duly licensed physician, upon examination attested to on a form provided by the health officer, to be of sound physique, possessing visual acuity conforming to that required for a chauffeur's license, and free of physical defects or diseases which might impair the ability to drive or attend an ambulance;

(5) For each applicant applying for relicensure for an attendant or attendant-driver's license, that such applicant has a currently valid certificate evidencing successful completion of a course of training, as presently defined by the state board of health through its rules and regulations in accordance with section 190.185 and chapter 536, RSMo. For each applicant applying for initial licensure for an attendant or attendant-driver's license, that such applicant has a currently valid certificate evidencing successful completion of a course of training as presently defined by the state board of health through its rules and regulations in accordance with section 190.185 and chapter 536, RSMo, which incorporates the curriculum of the EMT-basic training for ambulance personnel recommended by the United States Department of Transportation. No one shall be licensed as an attendant-driver unless he holds a currently valid motor vehicle operator's license from the state of Missouri or another state; and

(6) For each applicant applying for relicensure for a mobile emergency medical technician's license, that such applicant meets the requirements for attendant, subdivisions (1) to (5) of this subsection, and in addition has a currently valid certificate evidencing successful completion of a course of training, as presently defined by the state board of health through its rules and regulations in accordance with section 190.185 and chapter 536, RSMo. For each applicant applying for initial licensure for a mobile emergency medical technician's license, that such applicant has a currently valid certificate evidencing successful completion of a course of training as presently defined by the state board of health through its rules and regulations in accordance with section 190.185 and chapter 536, RSMo, which incorporates the curriculum of the EMT-paramedic training for ambulance personnel recommended by the United States Department of Transportation.

3. A license as attendant mobile emergency medical technician or attendant-driver is not assignable or transferable.

4. No official entry made upon a license may be defaced, removed or obliterated.

5. Notwithstanding anything herein to the contrary, ground ambulance services located in a city not within a county may maintain their ambulance service areas, and nothing in this section shall authorize the limitation or other restriction of the ambulance service area of ground ambulance services located in a city not within a county.]

[190.150. 1. An application for a certificate of apprenticeship shall be made upon such forms as may be prepared or prescribed by the license officer and shall contain:

(1) The applicant's full name, current residence and the addresses of all places of residence for two years previous to his present address;

(2) The applicant's age, height, weight, color of eyes and hair;

(3) The applicant's current operator's or chauffeur's license number;

(4) Whether his operator's or chauffeur's license has ever been suspended or revoked, and if so, when and where and for what cause;

(5) Whether he has ever been convicted of a felony or misdemeanor, and if so, when and where and for what cause;

(6) Whether he has ever been convicted of driving while intoxicated, and if so, when and where;

(7) Whether he has ever been convicted of any moving motor vehicle violation, and if so, when and where and for what cause;

(8) The applicant's training and experience in the transportation and care of patients, and whether he has previously been

licensed as a chauffeur, attendant, or attendant-driver, and if so, when and where, and whether his license has ever been revoked or suspended in any jurisdiction and for what cause;

(9) A description of the apprenticeship in which the applicant is currently engaged, or which is proposed, including a detailed description of the training which the applicant will receive, the location of the training, the names and qualifications of all instructors or supervising personnel, and the approximate length of the apprenticeship;

(10) Two recent photographs of the applicant, of a size designated by the license officer, one of which shall be attached by the license officer to the certificate of apprenticeship;

(11) Such other information as the licensing officer shall deem reasonably necessary to be a fair determination of compliance with sections 190.100 to 190.195.

2. Each application shall be accompanied by a certificate fee of three dollars, but no fee will be required for applicants who are employed for such duties by the state or a political subdivision of the state.]

[190.155. 1. The license officer shall, within a reasonable time after receipt of an application, cause such investigation as he deems necessary to be made of the applicant for a certificate of apprenticeship.

2. The license officer shall issue a certificate of apprenticeship, for not more than one year, unless earlier suspended, revoked or terminated, when he finds that the applicant:

(1) Is eighteen years of age or older;

(2) Is not addicted to the use of intoxicating liquors or narcotics, and is morally fit for the position;

(3) Is able to speak, read and write the English language;

(4) Has been found by a duly licensed physician, upon examination attested to on a form provided by the health officer, to be of sound physique, and free of physical defects or diseases which might impair the ability to attend an ambulance; and

(5) Is engaged in or proposes to be engaged in a course of training, the successful completion of which will be equivalent to completion of an advanced course in first aid given by the American Red Cross or the United States Bureau of Mines.]

190.160. The renewal of any license shall require conformance with [all the requirements of sections 190.100 to 190.195 as upon original licensing] **sections 190.100 to 190.199 and rules adopted by the department pursuant to sections 190.100 to 190.199, as upon original licensing.**

190.165. 1. The [license officer may] **department may deny a license or license renewal application, or** suspend or revoke a license issued under the provisions of sections [190.100 to 190.195] **190.100 to 190.199** for failure of a licensee to comply with the provisions of sections [190.100 to 190.195] **190.100 to 190.199**, or of regulations promulgated hereunder, or of any other applicable laws or ordinances or regulations, or [he] **the department** may place the licensee on probation for any of the same reasons.

2. [The initial or other ambulance, equipment and premises inspection reports of the health officer provided for by the provisions of sections 190.100 to 190.195 shall be prima facie evidence of compliance or noncompliance with, or violation of, the provisions, standards and requirements provided herein, and of the regulations promulgated hereunder, for the licensing of ambulances.] **Grounds for taking action may include but are not limited to:**

(1) **Incompetency;**

(2) **Gross negligence or repeated negligence;**

(3) **Falsifying any application or record required pursuant to sections 190.100 to 190.199;**

(4) Being finally adjudicated and found guilty, or entering a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States whether or not sentence is imposed, pursuant to rules adopted by the department; or

(5) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any person licensed or regulated by this chapter.

3. Upon suspension, revocation or termination of an ambulance **service or emergency medical response agency** license hereunder, no person shall be permitted to operate [the] **such ambulance service or emergency medical response agency, provided an alternate ambulance service or agency is available for the area served by the entity being disciplined.** Upon suspension, revocation or termination of an [attendant's or attendant-driver's] **EMT-B or EMT-P** license, the [attendant or attendant-driver] **EMT-B or EMT-P** shall cease to [drive or attend an ambulance, and no person shall employ or permit such individual to drive or attend an ambulance] **function as an EMT-B or EMT-P.**

4. Any license suspended, revoked or terminated under any provision of sections [190.100 to 190.195] **190.100 to 190.199** will be returned to the [license officer] **department** within ten days of such suspension, revocation or termination.

190.171. Any person aggrieved by an official action of the department of health affecting the licensed status of a person under the provisions of sections [190.100 to 190.195] **190.100 to 190.199**, including the refusal to grant, [the grant,] the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, RSMo, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department [of health of or the department of social services].

190.175. 1. Each [licensee of an ambulance] **ambulance service licensee or emergency medical response agency licensee** shall maintain accurate records, which contain [the following] information concerning the **care and, if applicable, the** transportation of each patient [within the state of Missouri, from one place herein to another place within or beyond its limits:].

[(1) Each ambulance licensee will maintain a daily log to contain such data as the license officer may prescribe on each and every ambulance run which he or a duly authorized agent accepts;

(2) The entries will be consecutive, with no blank spaces or blank paper.] **2.** Records will be maintained by [the ambulance licensee] **ambulance service licensees and emergency medical response agency licensees** for five years, readily available for inspection by [the license officer] **the department**, notwithstanding transfer, sale or discontinuance of the ambulance services or business[;].

[(3) Trip tickets] **3. An ambulance report, approved by the department, shall be completed** for each ambulance run on which are entered pertinent remarks by the [ambulance attendant, or attendant-driver, signed instructions of the physician requesting special service, official receipt for patient at destination,] **emergency medical technician** and such other items as [the license officer may prescribe] **adopted by rules by the department.**

[2.] **4.** Such records shall be available for inspection by the [health officer] **department** at any reasonable time during business hours.

5. Nothing in this section shall be construed as protecting from disclosure or discovery, in any civil action, information and documents otherwise discoverable from any person or entity providing information to the department pursuant to the provisions of this section.

190.176. 1. The department shall develop and administer a uniform data collection system on all ambulance runs and injured patients, as adopted in rules by the department for the purpose of injury etiology, patient care outcome, injury prevention and research purposes. The department shall not require disclosure by hospitals of data elements pursuant to this section unless those data elements are required by a federal agency or were

submitted to the department as of January 1, 1997, pursuant to:

- (1) Departmental regulation of trauma centers; or
- (2) The Missouri head and spinal cord injury registry established by sections 192.735 to 192.745, RSMo; or
- (3) Abstracts of inpatient hospital data; or
- (4) If such data elements are requested by a lawful subpoena or subpoena duces tecum.

2. The department shall maintain the confidentiality of all medical record information abstracted by or reported to the department. Medical information secured pursuant to the provisions of subsection 1 of this section may be released by the department only in a statistical aggregate form that precludes and prevents the identification of patient, physician, or medical facility except that medical information may be shared with other public health authorities and coinvestigators of a health study if they abide by the same confidentiality restrictions required of the department. The department, public health authorities, and coinvestigators shall use the information collected only for purposes provided for in this section.

3. No individual or organization providing information to the department in accordance with this section shall be deemed to be or shall be held liable, either civilly or criminally, for divulging confidential information unless such individual or organization acted in bad faith or with malicious purpose.

190.180. 1. Any person violating, or failing to comply with, the provisions of sections [190.100 to 190.195] **190.100 to 190.199** is guilty of a **class B** misdemeanor and, upon conviction thereof, shall be [fined an amount not exceeding one thousand dollars or imprisonment for a period not exceeding thirty days, or by both such fine and imprisonment] **sentenced to pay a fine in accordance with chapter 560, RSMo, or to imprisonment in accordance with chapter 558, RSMo, or by both such fine and imprisonment,** for each offense.

2. Each day that any violation of, or failure to comply with, sections [190.100 to 190.195] **190.100 to 190.199** is committed or permitted to continue shall constitute a separate and distinct offense and shall be punishable as such hereunder; but the court may, in appropriate cases, stay the cumulation of penalties.

3. The attorney general of Missouri shall have concurrent jurisdiction with any and all prosecuting attorneys to prosecute persons in violation of sections [190.100 to 190.195] **190.100 to 190.199**, and the attorney general or prosecuting attorney may institute injunctive proceedings against any person operating an ambulance service in violation of sections [190.100 to 190.195] **190.100 to 190.199**.

4. The prosecuting attorney for the county in which the violation of a law or ordinance regarding emergency medical services occurs shall prosecute such violations in the circuit court of that county. The legal officer or attorney for the ambulance district may be appointed by the prosecuting attorney as special assistant prosecuting attorney for the prosecution of any such violation.

190.185. The [state board of health of Missouri] **department of health** shall adopt, amend, promulgate, and enforce such rules, regulations and standards [with respect to all ambulances, ambulance services, attendant mobile emergency medical technicians, attendant-drivers, and certified apprentices] **as to ambulance services, emergency medical technicians, and emergency medical response agencies to be licensed and training entities for first responders and emergency medical technicians to be accredited** under the provisions of sections [190.093 to 190.249, and all emergency medical technicians to be certified under the provisions of section 190.093 to 190.249] **190.093 to 190.199**, as may be designed to further the accomplishment of the purpose of this law in promoting safe and adequate ambulance services in the interest of public health, safety, and welfare. [No rule or portion of a rule promulgated under the authority of sections 190.093 to 190.249 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in sections 190.100 to 190.199 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to the effective date of this section is of no force and effect and repealed; however, nothing in this**

section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to the effective date of this section if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

[190.190. Any ambulance, attendant or attendant-driver which is engaged in the business or service of the transportation of patients at the time of the promulgation of any applicable rule or regulation or minimum standard under this law shall be given a reasonable time under the particular circumstances, not to exceed six months from the date of such promulgation, within which to comply with such rules and regulations and minimum standards.]

190.197. 1. All ambulance vehicles or aircraft that have or are qualified to have a valid license issued by the department of health on the day that sections 190.100 to 190.199 take effect will have their ambulance vehicle or aircraft license expiration date extended to a date that is one year after the effective date of sections 190.100 to 190.199.

2. All ambulance services shall have until one year after the effective date of sections 190.100 to 190.199 to comply with the provisions of 190.100 to 190.199 and the rules developed pursuant to sections 190.100 to 190.199. Pursuant to sections 190.100 to 190.199 the department may adjust the initial period of licensure, from one year to three years, of any ambulance service licensed pursuant to sections 190.100 to 190.199, to equalize the number of licenses that may be renewed during each year of any three year licensure period.

3. License fees shall be pro rata for any ambulance service license issued by the department with an adjusted license period.

190.199. Any person who has had appropriate training, including a course in cardiopulmonary resuscitation and has demonstrated a proficiency in the use of an automated external defibrillator, and who gratuitously and in good faith renders emergency care when medically appropriate by use of or provision of an automated external defibrillator, without objection of the injured victim or victims thereof, shall not be held liable for any civil damages as a result of such care or treatment, where the person acts as an ordinarily reasonable, prudent person, or with regard to a health care professional, as a reasonably prudent and careful health care provider would have acted, under the same or similar circumstances. Nothing in this section shall affect any claims brought pursuant to chapters 537 and 538, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Staples offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1681 and 1342, Page 2, Section 21.795, Line 18, by deleting the words "**October fifteenth**" and inserting in lieu thereof the words "**November tenth**"; and

Further amend said bill, Page 2, Section 21.795, Line 31, by deleting the word "**by**" and inserting in lieu thereof the words "**made by, or on behalf of,**"; and

Further amend said bill, Page 5, Section 226.140, Line 13, by inserting after all of said line the following:

"3. The state auditor shall, to the extent practicable, utilize the data and information developed for, and provided by, the report required pursuant to subdivision (1) of subsection 2 of section 21.795, RSMo, when performing an audit authorized by section 29.210, RSMo."

Senator Staples moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1681 and 1342, Page 4, Section 226.140, Line 13, by inserting after all of said line the following:

"Section 1. In any contested case or judicial proceeding filed after January 1, 1998 involving surface water in any flood prone area, the proper permitting of a project shall be conclusive proof that the project is a reasonable use and meets any reasonable use test imposed by law or by a court if any defendant has:

(1) Obtained and fully complied with a permit from a political subdivision which has enacted orders or ordinances as required by the Federal Emergency Management Agency as a prerequisite to participation in the National Flood Insurance Program, and which political subdivision has jurisdiction, pursuant to the zoning laws of this state or the laws and regulations of the Federal Emergency Management Agency, over the area in dispute; or

(2) Obtained and fully complied with a permit from a state agency which has jurisdiction over a state project or development in dispute under state law, any implementing regulations or executive orders or the laws and regulations of the Federal Emergency Management Agency."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1681 and 1342, Page 3, Section 21.795, Line 80, by inserting after all of said line the following:

"213.060. 1. Notwithstanding any law, anything having effect of law, executive order, policy or rule to the contrary, any executive order, policy or rule which uses race, sex, color, ethnicity or national origin as a criterion for either discriminating against, or granting preferential treatment to, any individual or group of persons in the Missouri department of transportation system of public contracting is hereby declared to be null and void. Henceforth, no policy or rule adopted by the Missouri department of transportation or its agents, or executive order pertaining to the Missouri department of transportation shall be adopted which shall use race, sex, color, ethnicity or national origin as a criterion for either discriminating against, or granting preferential treatment to, any individual or group of persons in the Missouri department of transportation system of public contracting, unless the Missouri department of transportation or its agents has made a finding, which shall be included in the executive order relating to the department, policy or rule, and which shall be supported by strong basis in evidence that:

(1) The Missouri department of transportation is exacerbating a pattern of prior discrimination and such evidence is specific to the claimed discrimination within the institution, industry or jurisdiction;

(2) The executive order, policy or rule is a narrowly tailored remedial action that furthers a compelling governmental interest; and

(3) The remedial action shall sunset when the discrimination is eliminated but no later than two years after implementation.

2. Nothing in this section shall be interpreted as prohibiting state action that is necessary to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the state.

3. Anyone adversely affected by any law, executive order or rule in violation of this act, or any Missouri taxpayer, shall have standing to bring a suit to enforce the provisions of this act and, if successful in whole or in part, against the Missouri department of transportation or its agents shall be entitled to an award of costs of suit, and reasonable attorneys fees. Nothing in this section shall require the exhaustion of any administrative remedies."; and

Further amend said bill, page 5, section 226.140, line 13, by inserting after all of said line the following:

"[226.900. The commission shall develop specific goals for minority employment and training and the use of minority-owned construction companies. The commission shall annually provide a report to the general assembly on or before June fifteenth of each year. The report shall, at a minimum, provide detailed information which indicates the progress made in achievement of the specific goals established under this section.]

[226.905. A minimum of ten percent of all contracts entered into by the Missouri highways and transportation commission in the design and construction of projects financed in whole or in part with federal funds shall be entered into with minority-owned construction companies or businesses. If there are not a sufficient number of qualified minority business enterprises in a geographic area to meet the ten percent goal established in this section, then the contract recipient shall make a good faith effort to solicit and use subcontracts with minority business enterprises located within reasonable proximity to the geographic area in order to meet the ten percent goal established in this section or increase minority business enterprise participation in other projects.]

[226.907. 1. The provisions of sections 226.900 and 226.905 shall not apply to any contracts necessitated by damage inflicted in the flood of 1993.

2. If the report required by section 226.900 certifies that the ten percent goal has been achieved, the provisions of section 226.905 and this section dealing with minority-owned construction companies shall become null and void.]

[226.910. If the United States Secretary of Transportation determines that sections 226.900 to 226.907 have the effect of placing the state of Missouri in noncompliance with any federal constitutional, statutory or regulatory provision that would result in the loss of any federal aid funds to the Missouri highways and transportation commission, then sections 226.900 to 226.907 shall be null and void.]; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Russell offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1681 and 1342, Page 2, Section 21.795, Line 34, by inserting after all of said line the following:

"(d) Total state and federal revenue compared to the revenue estimate in the fifteen-year-highway plan as adopted in 1992;".

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1681 and 1342, Page 5,

Section 226.140, Line 13, by inserting after all of said line the following:

"226.270. **1.** The [said state highways and transportation] department **of transportation** or other body designated by law to have charge of the state highways of the state of Missouri in case they desire to condemn the lands, property and plants described in sections 226.240 to 226.270 shall proceed in condemnation of said properties in accordance with the provisions of chapter 523, RSMo, so far as is applicable to said [state highways and transportation] department **of transportation**.

2. Notwithstanding any other provisions of law to the contrary, if the department of transportation acquires any real property pursuant to the authority of sections 226.240 to 226.270, for the purpose of any highway right-of-way including, but not limited to, access roads, exit ramps and outer roads, and the department attempts to divest itself of title, then any person who was the owner or joint owner of such property and who held title to the land immediately prior to the time the department acquired such property, or such person's heirs, shall have a right of first refusal to repurchase the property at a price not to exceed the amount which was paid to the person by the department for such property. The provisions of this subsection shall be retroactive in their operation with respect to any real property the department holds title to on the effective date of this act which was acquired pursuant to the authority of sections 226.240 to 226.270.

226.967. From the date the commission gives notice of probable intent to acquire the whole or any part of the subject property which is within the highway corridor, or is deemed to have given such notice, the regulatory authority shall take no action to approve the property owner's application or request for a further period of one hundred twenty days. If the commission does not acquire, agree to acquire, or commence an action in circuit court to condemn the property within this one hundred twenty-day period, the regulatory authority shall then be free to act upon the pending application in such manner as may be provided by law. If the location of a corridor is changed after property is acquired by the commission, the person from whom the property was acquired, **or such person's heirs**, shall have [the] **a** right of first refusal to reacquire the property [at a cost of not more than the compensation paid by the commission to such person for the property] **pursuant to section 226.270.**"; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Staples moved that **SCS** for **HCS** for **HBs 1681** and **1342**, as amended, be adopted, which motion prevailed.

On motion of Senator Staples, **SCS** for **HCS** for **HBs 1681** and **1342**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Graves	House	Jacob	Johnson
Kenney	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Staples
Westfall	Wiggins	Yeckel--27	
NAYS--Senators			
Goode	Howard	Kinder	Klarich
Schneider	Singleton--6		
Absent--Senator Banks--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 1707, introduced by Representatives Copeland and Liese, entitled:

An Act to repeal section 30.270, RSMo 1994, relating to the state treasurer, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mathewson.

President Pro Tem McKenna assumed the Chair.

On motion of Senator Mathewson, **HB 1707** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Banks	Scott--2		
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Mueller moved that motion lay on the table, which motion prevailed.

HB 1158, with **SCS**, introduced by Representatives McClelland and Gibbons, entitled:

An Act to repeal section 644.032, RSMo Supp. 1997, relating to local parks, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mueller.

SCS for **HB 1158**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1158

An Act to repeal section 644.032, RSMo Supp. 1997, and section 15735, as said section last appeared in RSMo 1939, and dropped from RSMo 1949, pursuant to sections 3.030 and 3.040, RSMo 1949, relating to local parks, and to enact

in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Mueller moved that **SCS** for **HB 1158** be adopted, which motion prevailed.

On motion of Senator Mueller, **SCS** for **HB 1158** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Banks--1			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Mueller, title to the bill was agreed to.

Senator Mueller moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

HB 1120, introduced by Representative Griesheimer, entitled:

An Act to repeal sections 105.454, 105.456, 105.458 and 105.462, RSMo 1994, relating to prohibited acts by certain public officers, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Klarich.

On motion of Senator Klarich, **HB 1120** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Banks--1			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

HB 1748, with **SCA 1**, introduced by Representative Wannemacher, entitled:

An Act to repeal sections 294.011 and 294.030, RSMo Supp. 1997, relating to child labor, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Westfall.

SCA 1 was taken up.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Westfall, **HB 1748**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Banks	Staples--2		
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 1160, introduced by Representative Treadway, entitled:

An Act to repeal section 375.786, RSMo 1994, relating to certificates of authority required for the transaction of insurance business, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Westfall.

On motion of Senator Westfall, **HB 1160** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers

Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None
Absent--Senator Staples--1
Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 1374, introduced by Representative Scheve, entitled:

An Act relating to notification to policyholders of loan interest due.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 1374** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 1090, introduced by Representative Auer, entitled:

An Act to repeal section 374.122, RSMo 1994, relating to the department of insurance.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 1090** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

HB 1794, introduced by Representative Monaco, entitled:

An Act to repeal section 443.415, RSMo 1994, relating to mortgage insurance, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Wiggins.

On motion of Senator Wiggins, **HB 1794** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Kenney	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Clay	Johnson	Kinder--3	
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Ehlmann moved that motion lay on the table, which motion prevailed.

HB 1718, introduced by Representative Chrismer, et al, entitled:

An Act to repeal section 42.012, RSMo 1994, and section 42.010, RSMo Supp. 1997, relating to veterans' cemeteries, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Ehlmann.

Senator Ehlmann moved that **HB 1718** be read the 3rd time and finally passed.

At the request of Senator Ehlmann, the above motion was withdrawn.

HB 1299, introduced by Representative Skaggs, entitled:

An Act to repeal section 169.322, RSMo 1994, and sections 169.324, 169.326 and 169.328, RSMo Supp. 1997, relating to the public school retirement system in certain school districts, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator DePasco.

On motion of Senator DePasco, **HB 1299** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Russell--1			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the

following conferees to act with a like committee from the Senate on **HCS** for **SB 883**, as amended: Representatives: Koller, McBride, May (108), Berkstresser and Pryor.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 739** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SS No. 2** for **SCS** for **SB 632**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto two new sections relating to providing health care coverage through Medicaid for certain uninsured children, with an expiration date for a certain section.

With House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendment No. 3, House Substitute Amendment No. 1 for House Amendment No. 6, House Amendments Nos. 7 and 8, House Substitute Amendment No. 1 for House Amendment No. 9.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632, Page 2, Section 208.185(3); Lines 11 - 13, by deleting all of said lines and inserting in lieu thereof the following:

"The department of social services is authorized to pay for coverage of health care services for uninsured children whose parents or guardians have an available income between 0% and 185%, between 186% and 225%, between 226% and 250%, between 251% and 275% and between 276% and 300% of the federal poverty level, subject to appropriation.".

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632, Page 4, Section 208.185, Line 11 of said page, by inserting at the end of said line the following: "**The five-dollar copayment provided for in this section shall be waived for good cause, which includes, but is not limited to, the inability of the parent or guardian to afford such copayment. If the copayment is waived the payment shall be the responsibility of the state of Missouri.**".

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632, Page 3, Section 4, Lines 4-5, by deleting on Line 4 [annually] and on Line 5 [inoculations] and [an annual]; and

Further amend by inserting on line 4, "**upon request**" and on line 5, "**immunizations**" and "**periodic**".

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 6

Amend House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632, Page 7, Section 208.185, Line 11, by adding the following after said line:

"12. No funds used to pay for insurance or for services pursuant to this section may be expended to encourage, counsel, or refer for abortion unless the abortion is done to save the life of the mother or if the unborn child is the result of rape or incest. No funds may be paid pursuant to this section to any person or organization that performs abortions or counsels or refers for abortion unless the abortion is done to save the life of the mother or if the unborn child is the result of rape or incest."

HOUSE AMENDMENT NO. 7

Amend House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632, Page 6, Section 208.185, Line 2, by adding after said line the following:

"(5) The overall cost of the program to the state of Missouri."

HOUSE AMENDMENT NO. 8

Amend House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632, Page 3, Section 208.185, Line 6, by inserting at the end of all of said line the following:

"This subdivision shall not apply to any child whose parent or legal guardian objects in writing to such wellness programs including inoculations and an annual physical examination because of religious beliefs or medical contraindications."

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 9

Amend House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632, Page 3, Section 208.185, Line 6, by adding after the word "examination", the following:

"(6) Demonstrate annually that their total net worth does not exceed two hundred fifty thousand dollars in total value."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SJR 24**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 37(e) of article III of the Constitution of Missouri, relating to powers of the legislature by adding thereto three new sections relating to the issuance of bonds for water pollution and stormwater control.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Joint Resolution No. 24, Page 4, Section 37(g), Line 8, by deleting the words "**administered by**" and inserting in lieu thereof the following: "**through grants and loans administered by the clean water commission and**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS**

for **HB 1052** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HB 1239** and has taken up and passed **HB 1239**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 927**, as amended: Representatives: Hosmer, Foley, Smith, Hendrickson, Wooten.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1002** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1002**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1003** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1003**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1004** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1004**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1005** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1005**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House requests the Senate return **SB 945**, as amended, to the House for the purpose of adopting the emergency clause.

PRIVILEGED MOTIONS

Senator Banks moved that the Senate refuse to recede from its position on **SCS** for **HB 1052** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SB 739**, with **HCS**: Senators McKenna, Staples, Jacob, Bentley and Westfall.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the

House on **HB 927**, with **SCS**, as amended: Senators Maxwell, Quick, Clay, Bentley and Graves.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 1508** and **HB 1609**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 1824, regarding John Robert Keeven, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 1825, regarding Betty Jean F. Marxkors, which was adopted.

Senator Schneider offered Senate Resolution No. 1826, regarding Virginia L. Frede, which was adopted.

Senator Schneider offered Senate Resolution No. 1827, regarding Lowell W. Lilly, which was adopted.

Senator Schneider offered Senate Resolution No. 1828, regarding Joyce E. Driemeier, which was adopted.

Senator Schneider offered Senate Resolution No. 1829, regarding Nancy Reindl, Creve Coeur, which was adopted.

Senator Schneider offered Senate Resolution No. 1830, regarding James Donald Lee Converse, Florissant, which was adopted.

On motion of Senator Quick, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

HOUSE BILLS ON THIRD READING

HB 968, introduced by Representative Barry, entitled:

An Act to repeal section 174.125, RSMo 1994, relating to certain teacher-training institutions, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Johnson.

On motion of Senator Johnson, **HB 968** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Banks	Bentley	Curls	DePasco
Ehlmann	Klarich	Staples--7	

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

HB 1046, with **SCA 1**, introduced by Representative O'Toole, entitled:

An Act to amend chapter 610, RSMo, relating to certain governmental records, by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Scott.

SCA 1 was taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Scott, **HB 1046**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Banks	Bentley	Curls	DePasco--4
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 1088, introduced by Representative Boucher, entitled:

An Act relating to blind and visually impaired students.

Was called from the Consent Calendar and taken up by Senator Caskey.

Senator Caskey requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Caskey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 1088, Page 2, Section 1, Line 23, by inserting after said line:

"393.300. Any provider of telephone, sewer, water, electric or gas utility service, whether public or private, shall, upon the request of a customer of such provider, provide the customer's bills in braille or no less than twenty-four point bold-faced type print or both.

Section B. Section 393.300 shall become effective on August 28, 1999."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Caskey, **HB 1088**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Banks	Curls	DePasco	Ehlmann--4
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

HB 955, introduced by Representatives Lograsso and Ross, entitled:

An Act to repeal sections 165.211, 165.221 and 165.231, RSMo 1994, relating to school finances, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator House.

On motion of Senator House, **HB 955** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson

Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Banks	Childers	Curls	Lybyer--4
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Ehlmann moved that motion lay on the table, which motion prevailed.

Senator Ehlmann moved that **HB 1718** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Ehlmann, **HB 1718** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Banks	Curls	Quick--3	
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

HB 1162, introduced by Representative DeMarce, et al, entitled:

An Act relating to the Jim Sears Leadership Scholarship.

Was called from the Consent Calendar and taken up by Senator Maxwell.

On motion of Senator Maxwell, **HB 1162** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Banks	Curls--2		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

HB 1588, introduced by Representative Luetkenhaus, entitled:

An Act to repeal section 320.094, RSMo Supp. 1997, relating to the fire education trust fund, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator House.

On motion of Senator House, **HB 1588** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Curls	Ehlmann	Mueller--3	
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Ehlmann moved that motion lay on the table, which motion prevailed.

HB 1747, introduced by Representative Ostmann, entitled:

An Act to authorize the governor to convey certain property located in the city of O'Fallon to the Fort Zumwalt R-II School District, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Ehlmann.

On motion of Senator Ehlmann, **HB 1747** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Curls	Flotron	Scott--3	
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Curls	Flotron--2		
Absent with leave--Senators--None			

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Clay moved that **SB 786**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 786**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 786An Act to repeal sections 213.010, 213.020, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, 213.101 and 213.111, RSMo 1994, and section 213.030, RSMo Supp. 1997, relating to human rights, and to enact in lieu thereof twelve new sections relating to the same subject.

Was taken up.

Senator Clay moved that **HCS** for **SB 786** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Schneider	Scott
Sims	Singleton	Staples	Wiggins
Yeckel--29			
NAYS--Senators			
Childers	Graves	Russell	Westfall--4
Absent--Senator Curls--1			
Absent with leave--Senators--None			

On motion of Senator Clay, **HCS** for **SB 786** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			
NAYS--Senators			
Childers	Graves	Rohrbach	Russell--4
Absent--Senator Curls--1			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that **SB 842**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 842**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 842An Act to repeal section 217.360, RSMo Supp. 1997, relating to offenses committed on the premises of correctional centers, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Caskey moved that **HCS** for **SB 842** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Curls Staples--2

Absent with leave--Senators--None

On motion of Senator Caskey, **HCS** for **SB 842** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Curls Staples--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that **SB 841**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 841, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 841An Act to repeal sections 50.1000, 50.1040, 50.1090, 50.1100 and 50.1140, RSMo 1994, and section 50.1110, RSMo Supp. 1997, relating to certain retirement systems, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Senator Caskey moved that HCS for SB 841, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Mueller	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Rohrbach--1			
Absent--Senators			
Curls	Lybyer--2		
Absent with leave--Senators--None			

On motion of Senator Caskey, HCS for SB 841, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			
NAYS--Senator Rohrbach--1			
Absent--Senators			
Banks	Curls	Ehlmann	Lybyer--4
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Clay moved that SB 854, with HCS, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 854**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 854

An Act to repeal sections 333.041, 333.042 and 333.051, RSMo 1994, relating to funeral directing, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Clay moved that **HCS** for **SB 854** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	Goode
House	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			
NAYS--Senators			
Graves	Rohrbach--2		
Absent--Senators			
Curls	Ehlmann	Howard--3	
Absent with leave--Senators--None			

On motion of Senator Clay, **HCS** for **SB 854** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Schneider	Scott	Singleton
Staples	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Graves	Rohrbach--2		
Absent--Senators			
Curls	Ehlmann	Goode	Sims--4
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Maxwell moved that **SB 898**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 898**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 898

An Act to repeal sections 320.300, 320.302, 320.305 and 320.307, RSMo 1994, and section 320.094, RSMo Supp. 1997, relating to fire protection districts, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Maxwell moved that **HCS** for **SB 898** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Rohrbach--1

Absent--Senators

Curls	Ehlmann	Johnson	Staples--4
Absent with leave--Senators--None			

On motion of Senator Maxwell, **HCS** for **SB 898** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Curls	Ehlmann	Staples--3	
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Maxwell moved that **SB 970**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 970**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 970

An Act relating to the Missouri agricultural and small business development authority.

Was taken up.

Senator Maxwell moved that **HCS** for **SB 970** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Russell	Schneider
Scott	Sims	Singleton	Westfall
Wiggins	Yeckel--30		
NAYS--Senators			
Flotron	Rohrbach--2		
Absent--Senators			
Quick	Staples--2		
Absent with leave--Senators--None			

On motion of Senator Maxwell, **HCS** for **SB 970** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	House	Howard	Jacob
Johnson	Kenney	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Flotron	Graves	Kinder	Klarich
Rohrbach--5			
Absent--Senator Staples--1			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Flotron moved that **SB 963**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 963**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 963

An Act to repeal sections 197.305 and 197.313, RSMo Supp. 1997, relating to care facility licensure, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Flotron moved that **HCS** for **SB 963** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Russell--1			
Absent with leave--Senators--None			

Senator Wiggins assumed the Chair.

Senator Lybyer requested unanimous consent of the Senate to allow the Senate conferees on **HB 1010** to meet while the Senate is in session, which request was granted.

On motion of Senator Flotron, **HCS** for **SB 963** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall

Wiggins

Yeckel--34

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 1095**, with **SCS**, entitled:

An Act to repeal sections 610.010, 610.015, 610.020, 610.022, 610.023, 610.026, 610.027, 610.029, 610.030, 610.105 and 610.125, RSMo 1994, and sections 610.021, 610.100 and 610.200, RSMo Supp. 1997, relating to governmental meetings and records, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

Was taken up by Senator McKenna.

SCS for **HS** for **HCS** for **HB 1095**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1095

An Act to repeal sections 610.010, 610.015, 610.020, 610.022, 610.023, 610.026, 610.027, 610.029, 610.030, 610.105 and 610.125, RSMo 1994, and sections 610.021, 610.100, 630.167 and 630.710, RSMo Supp. 1997, relating to governmental bodies, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator McKenna moved that **SCS** for **HS** for **HCS** for **HB 1095** be adopted.

Senator McKenna offered **SS** for **SCS** for **HS** for **HCS** for **HB 1095**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1095

An Act to repeal sections 610.010, 610.015, 610.020, 610.022, 610.023, 610.026, 610.027, 610.029, 610.030, 610.105 and 610.125, RSMo 1994, and sections 610.021 and 610.100, RSMo Supp. 1997, relating to governmental bodies, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

Senator McKenna moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1095** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, Page 1, Section A, Line 7, by inserting immediately after all of said line the following:

"[566.617. 1. Except as provided in subsection 3 of this section, the statements, photographs, and fingerprints required by sections 566.600 to 566.625 shall not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in section 610.010, RSMo, and shall be available to courts, prosecutors and law enforcement agencies.

2. Except as provided in subsection 3 of this section, the statements, photographs, and fingerprints required by sections 566.600 to 566.625 shall not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in section 610.010, RSMo, and shall not be open to inspection by the public or any person, other than a regularly employed peace officer or law enforcement officer.

3. Notwithstanding any provision of law to the contrary, the local law enforcement agency shall provide a complete list of the names and addresses of each offender registered within such agency's jurisdiction as well as the crime for which such offender was convicted to any person upon request.]

589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, **received a suspended imposition of sentence for**, been found guilty of, or pled guilty to committing, or attempting to commit, a felony offense of chapter 566, RSMo; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, **received a suspended imposition of sentence for**, been found guilty of, or pled guilty to committing, or attempting to commit one or more of the following offenses, **against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under seventeen years of age**: kidnapping; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; incest; abuse of a child; used a child in a sexual performance; or promoting sexual performance by a child[, and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under seventeen years of age]; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) **Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivisions (1) or (2) of this subsection; or**

(5) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere in any other state or under federal jurisdiction to committing, or attempting to commit, an offense which, if committed in this state, would be a felony violation of chapter 566, RSMo, or a felony violation of any offense listed in subdivision (2) of this subsection.

2. Any person to whom sections 589.400 to 589.425 applies shall, within fourteen days of coming into any county, register with the chief law enforcement official of the county in which such person resides. The chief law enforcement

official shall forward a copy of the registration form required by section 589.407 to a city, town or village law enforcement agency located within the county of the chief law enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such official. The chief law enforcement official may forward a copy of such registration form to any city, town or village law enforcement agency, if so requested.

589.407. Any registration pursuant to sections 589.400 to 589.425 shall consist of completion of an offender registration form developed by the Missouri state highway patrol. Such form shall include, but is not limited to the following:

(1) A statement in writing signed by the person, giving the name, address, social security number and phone number of the person, the place of employment of such person, the crime which requires registration, **whether the person was sentenced as a persistent or predatory offender pursuant to section 588.108, RSMo**, the date [and], place **and a brief description** of such crime, the date and place of the conviction or plea regarding such crime, the age and gender of the victim at the time of the offense and whether the person successfully completed the Missouri sexual offender program pursuant to section 589.040, if applicable; and

(2) The fingerprints and a photograph of the person.

589.410. [1.] The chief law enforcement official shall forward the completed offender registration form to the central repository within ten days. The patrol shall enter the information into the Missouri uniform law enforcement system (MULES) where it is available to members of the criminal justice system upon inquiry.

[2. Notwithstanding any provision of law to the contrary, the chief law enforcement official, in accordance with rules promulgated by the department of public safety, shall release the information contained in the registration statement, as provided in subdivision (1) of section 589.407, made by an offender found to be a predatory sexual offender.]

589.414. **1. If any person required by sections 589.400 to 589.425 to register changes residence or address within the same county as his previous address, the person shall inform the chief law enforcement official, in writing within fourteen days, of such new address and phone number, if the phone number is also changed.**

2. If any person required by sections 589.400 to 589.425 to register changes residence or address to a different county, the person shall inform both the chief law enforcement official with whom the person last registered [of the new address] and the chief law enforcement official of the county having jurisdiction over the new residence or address, in writing within fourteen days, of such new address and phone number, if the phone number is also changed.

3. Any person required by sections 589.400 to 589.425 to register who officially changes his name shall inform the chief law enforcement officer of such name change within seven days after such change is made.

4. In addition to the requirements of subsections 1 and 2 of this section, the following offenders shall contact the county law enforcement agency every ninety days to verify the information contained in their statement made pursuant to section 589.407:

(1) Any offender registered as a predatory or persistent offender;

(2) Any offender who is registered for a crime where the victim was under age eighteen at the time of the offense; and

(3) Any offender who has pled guilty or been found guilty pursuant to section 589.425 of failing to register or submitting false information when registering.

589.417. **1. Except for the specific information listed in subsection 2 of this section, the complete** statements[, photographs] and fingerprints required by sections 589.400 to 589.425 shall not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in section 610.010, RSMo, and shall be available only to courts, prosecutors and law enforcement agencies.

2. [The statements, photographs and fingerprints required by sections 589.400 to 589.425 shall not be subject to the provisions of chapter 610, RSMo, and are not public records as defined in section 610.010, RSMo, and shall not be open to inspection by the public or any person, other than a regularly employed peace officer or law enforcement officer.] **Notwithstanding any provision of law to the contrary, the chief law enforcement official of the county shall maintain, for all offenders registered in such county, including those receiving a suspended imposition of sentence, a complete list of the names, addresses, crimes for which such offenders are registered, brief descriptions of such crimes and photographs of such offenders. Any person may request such list from the chief law enforcement official of such county. The list may be published as a public notice by any newspaper of general circulation in the county.**

589.425. **1.** Any person who is required to register pursuant to sections 589.400 to 589.425 [but] **and:**

- (1) Includes any false information in his registration statement; or**
- (2) Fails to [do so] register; or**
- (3) Fails to timely verify registration information pursuant to section 566.614;**

is guilty of a class A misdemeanor.

2. Any person who commits a second or subsequent violation of subsection 1 of this section is guilty of a class D felony."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Caskey offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, Page 1, Section 610.010, Line 8, by inserting immediately before said line the following:

"43.503. 1. For the purpose of maintaining complete and accurate criminal history record information, all police officers of this state, the clerk of each court, the department of corrections, the sheriff of each county, the chief law enforcement official of a city not within a county and the prosecuting attorney of each county or the circuit attorney of a city not within a county shall submit certain criminal arrest, charge, and disposition information to the central repository for filing without undue delay in the form and manner required by sections 43.500 to 43.530.

2. All law enforcement agencies making misdemeanor and felony arrests as determined by section 43.506 shall furnish without undue delay, to the central repository, fingerprints, charges, and descriptions of all persons who are arrested for such offenses on standard fingerprint forms supplied by the highway patrol. All such agencies shall also notify the central repository of all decisions not to refer such arrests for prosecution. An agency making such arrests may enter into arrangements with other law enforcement agencies for the purpose of furnishing without undue delay such fingerprints, charges, and descriptions to the central repository upon its behalf. In instances where an individual less than seventeen years of age is taken into custody for an offense which would be considered a felony if committed by an adult, the arresting officer shall take one set of fingerprints for the central repository and may take another set for inclusion in a local or regional automated fingerprint identification system. These fingerprints shall be taken on fingerprint cards which are plainly marked "juvenile card" and shall be provided by the central repository. The fingerprint cards shall be so constructed that only the fingerprints, unique identifying number, and the court of jurisdiction are made available to the central or local repository. The remainder of the card which bears the individual's identification and the duplicate unique number shall be provided to the court of jurisdiction. The appropriate portion of

the juvenile fingerprint card shall be forwarded to the central repository and the courts without undue delay. The fingerprint information from the card shall be captured and stored in the automated fingerprint identification system operated by the central repository. The juvenile fingerprint card shall be stored in a secure location, separate from all other fingerprint cards. In the event the fingerprints from this card are found to match latent prints searched in the automated fingerprint identification system, the court of jurisdiction shall be so advised.

3. The prosecuting attorney of each county or the circuit attorney of a city not within a county shall notify the central repository on standard forms supplied by the highway patrol of all charges filed, including all those added subsequent to the filing of a criminal court case, and whether charges were not filed in criminal cases for which the central repository has a record of an arrest. All records forwarded to the central repository by prosecutors or circuit attorneys as required by sections 43.500 to 43.530 shall include the state offense cycle number of the offense, and the originating agency identifier number of the reporting prosecutor, using such numbers as assigned by the highway patrol.

4. The clerk of the courts of each county or city not within a county shall furnish the central repository, on standard forms supplied by the highway patrol, with all final dispositions of criminal cases for which the central repository has a record of an arrest or a record of fingerprints reported pursuant to subsections 6 and 7 of this section. Such information shall include, for each charge:

(1) All judgments of not guilty, **acquittals on the ground of mental disease or defect excluding responsibility**, judgments or pleas of guilty including the sentence, if any, or probation, if any, pronounced by the court, nolle pros, discharges, **releases** and dismissals in the trial court;

(2) Court orders filed with the clerk of the courts which reverse a reported conviction or vacate or modify a sentence;

(3) Judgments terminating or revoking a sentence to probation, supervision or conditional release and any resentencing after such revocation; and

(4) The offense cycle number of the offense, and the originating agency identifier number of the reporting court, using such numbers as assigned by the highway patrol.

5. The clerk of the courts of each county or city not within a county shall furnish court judgment and sentence documents and the state offense cycle number of the offense, which result in the commitment or assignment of an offender, to the jurisdiction of the department of corrections **or the department of mental health if the person is committed pursuant to chapter 552, RSMo**. This information shall be reported to the department of corrections **or the department of mental health** at the time of commitment or assignment. If the offender was already in the custody of the department of corrections **or the department of mental health** at the time of such subsequent conviction, the clerk shall furnish notice of such subsequent conviction to the **appropriate** department [of corrections] by certified mail, return receipt requested, within ten days of such disposition.

6. After the court pronounces sentence, including an order of supervision or an order of probation granted for any offense which is required by statute to be collected, maintained, or disseminated by the central repository, **or commits a person to the department of mental health pursuant to chapter 552, RSMo**, the prosecuting attorney or the circuit attorney of a city not within a county shall ask the court to order a law enforcement agency to fingerprint immediately all [sentenced] persons appearing before the court **to be sentenced or committed** who have not previously been fingerprinted for the same case. The court shall order the requested fingerprinting if it determines that any sentenced **or committed** person has not previously been fingerprinted for the same case. The law enforcement agency shall submit such fingerprints to the central repository without undue delay.

7. The department of corrections **and the department of mental health** shall furnish the central repository with all information concerning the receipt, escape, execution, death, release, pardon, parole, commutation of sentence, granting of executive clemency, or discharge of an individual who has been sentenced to [the] **that** department's custody for any offenses which are mandated by [this act] **law** to be collected, maintained or disseminated by the central repository. All records forwarded to the central repository by the department as required by sections 43.500 to 43.530 shall include the offense cycle number of the offense, and the originating agency identifier number of the department using such numbers as assigned by the highway patrol."; and

Further amend said bill, page 24, Section 610.105, RSMo, line 22, by inserting immediately after said line the following: "**If the accused is found not guilty due to mental disease or defect pursuant to section 552.030, RSMo, official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child care agencies, facilities as defined in section 198.006, RSMo, and in-home services provider agencies as defined in section 660.250, RSMo, in the manner established by section 610.120.**"; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

Senator Schneider offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, Page 1, by adding: "and amend Section 610.010, Page 2, Line 13, by striking the words: "or judicial".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SA 2**, as amended, be adopted, which motion prevailed.

Senator Jacob offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, Page 1, Section A, Line 7 of said page, by inserting immediately after all of said line the following:

"172.035. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board[, except any meeting, record or vote closed under the provisions of section 610.025, RSMo]. Such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government presidents of the campuses of the university, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of [his] **such person's** appointment as a student at the University of Missouri.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1986.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until [his] **the student representative's** successor is appointed and qualified.

5. If the student representative ceases to be a student at the University of Missouri, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless [his] **such** absence is caused by sickness or some accident preventing [his] **such representative's** arrival at the time and place appointed for the meeting.

[6. The student representative while attending meetings of the board shall receive his actual expenses which shall be paid out of the ordinary revenues of the university.]

6. The student representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.

7. Appointments made under this section shall be made in rotation from each of the four campuses of the University of Missouri, beginning with a student from the Columbia campus, next from the Rolla campus, next from the Kansas City campus, and then from the St. Louis campus.

8. Unless alternative arrangements for payment have been made and agreed to by the student and the university, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

172.036. 1. The governor shall, by and with the advice and consent of the senate, appoint a faculty representative to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board. Such faculty representative shall have the same powers as other members of the board of curators except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be selected from a panel of three names submitted to the governor by the faculty government presidents of the campuses of the university, be a full-time faculty member at the university, be a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be two years.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until such faculty member representative's successor is appointed and qualified.

5. If the faculty member representative ceases to be a full-time faculty member at such member's campus of the University of Missouri, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.

7. Appointments made pursuant to this section shall be made in rotation from each of the four campuses of the University of Missouri, beginning with a faculty member from the Columbia campus, next from the Kansas City campus, next from the Rolla campus, and then from the St. Louis campus.

172.037. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not a student or faculty representative, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative, the faculty representative or both.

174.055. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of regents or governors of each educational institution referred to in section 174.020 who shall attend all meetings and participate in all deliberations of the board[, except any meeting, record or vote closed under the provisions of section 610.025, RSMo]. Such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the institution as defined by the board, selected from a panel of three names submitted to the governor by the student government president, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of [his] **such person's** appointment as a student at the institution.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1986.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until [his] **such representative's** successor is appointed and qualified.

5. If the student representative ceases to be a student at the institution, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless the student representative's absence is caused by sickness or some accident preventing the student representative's arrival at the time and place appointed for the meeting.

[6. The student representative shall receive no compensation or reimbursement for expenses.]

6. The student representative shall receive the same reimbursement for expenses as other members of the board of regents receive pursuant to section 174.100.

7. Unless alternative arrangements for payment have been made and agreed to by the student and the educational institution, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

174.056. 1. There shall be a faculty representative to the board of regents or governors of each educational institution referred to in section 174.020, appointed by the governor with the advice and consent of the senate, who shall attend all meetings and participate in all deliberations of the board. Such faculty member representative shall have the same powers as the other members of the board, except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be selected from a panel of three names submitted to the governor by the president of each institution's faculty government association, be a full-time faculty member at the institution, a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be two years.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until such faculty member representative's successor is appointed and qualified.

5. If the faculty member representative ceases to be a full-time faculty member at the institution, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of regents receive pursuant to section 174.100.

174.057. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not a student or

faculty representative, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative, the faculty representative or both.

174.610. [1.] The governing board of the Truman State University shall be a board of governors consisting of [ten] **eleven** members, composed of seven voting members and [three] **four** nonvoting members as provided in section 174.620, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting governor who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years [next] **immediately** prior to [his] **such person's** appointment. Not more than four voting governors shall belong to any one political party. The appointed members of the board of regents serving on January 1, 1986, shall become members of the board of governors on January 1, 1986, and serve until the expiration of the terms for which they were appointed.

[2. The board of regents of the Truman State University is abolished.]

174.620. 1. The board of governors shall be appointed as follows:

(1) Four voting members [shall be selected] from the counties of Adair, Audrain, Boone, Callaway, Chariton, Clark, Howard, Knox, Lewis, Lincoln, Linn, Marion, Macon, Monroe, Montgomery, Pike, Putnam, Ralls, Randolph, St. Charles, Schuyler, Scotland, Shelby, Sullivan, and Warren, provided that not more than one member shall be appointed from the same county [of these aforementioned counties];

(2) Three voting members [shall be selected] from any of the seven college districts as contained in section 174.010, provided that no more than one member shall be appointed from the same congressional district;

(3) Two nonvoting members whose residence is other than the state of Missouri and who are knowledgeable of the educational mission of liberal arts institutions [shall be selected]; [and]

(4) One nonvoting member who is a student [shall be selected as provided in section 174.055]. **Such student representative shall attend all meetings and participate in all deliberations of the board. Such student representative shall not have the right to vote on any matter before the board, but shall have all other powers and duties of section 174.055, and shall also meet the qualifications of section 174.055;**

(5) One nonvoting member who is a full-time faculty member shall be selected as provided in section 174.622.

2. The term of service of the governors shall be as follows:

(1) The voting members shall be appointed for terms of six years; except, that of the voting members first appointed, two shall serve for terms of two years, two for terms of four years, and three for terms of six years;

(2) The nonvoting members who are not students **or faculty members** shall be appointed for terms of six years; except, that of the nonvoting members first appointed, one shall serve for a term of three years, and one shall serve a term of six years; and

(3) The nonvoting student member shall serve a two-year term as provided in section 174.055, **and the nonvoting faculty member shall serve a two-year term as provided in section 174.622.**

3. The governors, **both nonvoting and voting**, while attending the meetings of the board shall receive their actual and necessary expenses, which shall be paid out of the ordinary revenues of the university. Vacancies in terms of office caused by death, resignation or removal shall be filled in the manner provided by law for such vacancies on the board of curators of the [State] University of Missouri.

174.622. 1. The governor shall with the advice and consent of the senate appoint a faculty member representative to the board of governors of Truman State University, who shall attend all meetings and participate in all deliberations of the board. Such faculty member representative shall have the same powers and duties as the other members of the board of governors, except that such faculty member representative shall not have the

right to vote on any matter before the board.

2. Such faculty member representative shall be selected from a panel of three names submitted to the governor by the president of the university's faculty senate, be a full-time faculty member at the university, a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be two years.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until such faculty member representative's successor is appointed and qualified.

5. If the faculty member representative ceases to be a full-time faculty member at the university, or a resident of the state of Missouri, such position shall at once become vacant.

175.021. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of curators of Lincoln University, who shall attend all meetings and participate in all deliberations of the board[, except any meeting, record or vote closed under the provisions of section 610.025, RSMo]. Such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government association of the university, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of [his] **such person's** appointment as a student at the university.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1989.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until [his] **such student representative's** successor is appointed and qualified.

5. If the student representative ceases to be a student at the university, or a resident of the state of Missouri, or fails to attend any regularly called meeting of the board of which [he] **such representative** has due notice, [his] **the** position shall at once become vacant, unless [his] **such student representative's** absence is caused by sickness or some accident preventing [his] **such representative's** arrival at the time and place appointed for the meeting.

[6. The student representative shall receive no compensation or reimbursement for expenses.]

6. The student representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 175.030.

7. Unless alternative arrangements for payment have been made and agreed to by the student and the university, the student [representatives of all public colleges and universities] **representative** shall have paid all student and tuition fees due prior to [said appointments] **such appointment** and shall pay all future student and tuition fees during the term of office when [said] **such** fees are due.

175.022. 1. The governor shall with the advice and consent of the senate appoint a faculty member representative to the board of curators of Lincoln University, who shall attend all meetings and participate in all deliberations of the board. Such faculty member representative shall have the same powers as the other members of the board of curators, except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be selected from a panel of three names submitted to the governor by the chair of the university faculty senate, be a full-time faculty member at the university, a citizen of the

United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be two years.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until such faculty member representative's successor is appointed and qualified.

5. If the faculty member representative ceases to be a full-time faculty member at the university, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 175.030.

175.023. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not a student or faculty representative, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative, the faculty representative or both."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Flotron raised the point of order that **SA 3** is out of order in that the amendment goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem.

The President announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

Senator Mathewson assumed the Chair.

At the request of Senator Jacob, **SA 3** was withdrawn, rendering the point of order moot.

Senator Jacob offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, Page 1, Section A, Line 7 of said page, by inserting immediately after said line the following:

"105.458. 1. No member of any legislative or governing body of any political subdivision of the state shall:

(1) Perform any service for such political subdivision or any agency of the political subdivision for any consideration other than the compensation provided for the performance of his official duties; or

(2) Sell, rent or lease any property to the political subdivision or any agency of the political subdivision for consideration in excess of five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received; or

(3) Attempt, for any compensation other than the compensation provided for the performance of his official duties, to influence the decision of any agency of the political subdivision on any matter; except that, this provision shall not be construed to prohibit such person from participating for compensation in any adversary proceeding or in the preparation or filing of any public document or conference thereon. **Notwithstanding Missouri supreme court rule 1.10 of rule 4 or any other court rule or law to the contrary, other members of a firm, professional corporation or partnership shall not be prohibited pursuant to this subdivision from representing a person or other entity solely because a member of the firm, professional corporation or partnership serves as an unpaid city council member, provided that such official does not share directly in the compensation earned, so far as the same may reasonably be accounted, for such activity by the firm or by any other member of the firm.**

2. No sole proprietorship, partnership, joint venture, or corporation in which any member of any legislative body of any political subdivision is the sole proprietor, a partner having more than a ten percent partnership interest, or a coparticipant or owner of in excess of ten percent of the outstanding shares of any class of stock, shall:

(1) Perform any service for the political subdivision or any agency of the political subdivision for any consideration in excess of five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received;

(2) Sell, rent or lease any property to the political subdivision or any agency of the political subdivision where the consideration is in excess of five hundred dollars per annum unless the transaction is made pursuant to an award on a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, Page 25, Section 610.125, Line 6, by inserting after all of said line the following:

"Section 1. Effective August 28, 1998, political subdivisions applying for or renewing their coverage through the Missouri consolidated health care plan shall submit as part of their application, health statements and other necessary documentation to determine the actuarial risk of the group and the rate that the health care plan will charge for covering the political subdivision.

2. The rates charged for health plans to political subdivisions with three to twenty-five employees shall be subject to the provisions of sections 379.932 to 379.952. Political subdivisions with other than from three to twenty-five employees shall be charged a rate that is actuarially justified by the risk presented by the political subdivision."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, Page 16, Section 610.026, Line 22, by inserting after all of said line the following:

"6. A person requesting copies, printouts or photographs of public records for a commercial purpose shall, upon making such a request, provide a certified statement setting forth the commercial purpose for which the copies, printouts or photographs will be used. Upon being furnished the verified statement the custodian of such records may furnish reproductions, the charge for which shall include the following:

- (1) A portion of the cost to the government body for obtaining the original or copies of the documents, printouts or photographs;**
- (2) A reasonable fee for the cost of time, equipment and personnel in producing such reproduction; and**
- (3) The value of the reproduction on the commercial market.**

7. If the custodian of a public record determines that the commercial purpose stated in the verified statement is a misuse of public records or is an abuse of the right to receive public records, the custodian may apply to the chief executive officer of the government body requesting that the executive by executive order prohibit the furnishing of copies, printouts or photographs for such commercial purpose. The executive, upon application from a custodian of public records, shall determine whether the commercial purpose is a misuse or an abuse of the public record. If the executive determines that the public record shall not be provided for such commercial purpose the executive shall issue an executive order prohibiting the providing of such public records for such commercial purpose. If no order is issued within thirty days of the date of application, the custodian of public records shall provide such copies, printouts or photographs upon being paid the fee determined pursuant to subsection 6 of this section.

8. A person who obtains public records for a commercial purpose without indicating the commercial purpose or who obtains a public record for a noncommercial purpose and uses or knowingly allows the use of such public record for a commercial purpose or who obtains a public record for commercial purpose and uses or knowingly allows the use of such public record for a different commercial purpose or who obtains a public record from anyone other than the custodian of such records and uses them for a commercial purpose shall in addition to other penalties be liable to the state or the political subdivision from which the public record was obtained for damages in the amount of three times the amount which would have been charged for the public record had the commercial purpose been stated plus costs and reasonable attorney's fees or shall be liable to the state or the political subdivision for the amount of three times the actual damages if it can be shown that the public record would not have been provided had the commercial purpose of actual use been stated at the time of obtaining the records.

9. As used in this section "commercial purpose" means the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from such public records for the purpose of solicitation or the sale of such names and address to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the director or indirect use of such public record. Commercial purpose does not mean the use of a public record as evidence or as research for evidence in an action in a judicial or quasi-judicial body of this state or a political subdivision of this state.

10. A person who obtains public records for a commercial purpose without indicating the commercial purpose or who obtains a public record for a noncommercial purpose and uses or knowingly allows the use of such public record for a commercial purpose or who obtains a public record for a commercial purpose and uses or knowingly allows the use of such public record for a different commercial purpose or who obtains a public record from anyone other than the custodian of such records and uses them for a commercial purpose is guilty of a class B misdemeanor."

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered SA 7:

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, Page 1, Section A, Line 7, by inserting immediately after all of said line the following:

"[32.055. Subject to the provisions of sections 32.090 and 32.091, the director of revenue may sell lists of motor vehicle registrations to any organization organized under an act of the Congress of the United States in accordance with the fee limitations as provided in section 610.026, RSMo.]

32.055. Subject to the provisions of sections 32.090 and 32.091, the director of revenue [may] **shall not** sell lists of motor vehicle registrations **or other personal information held by the department of revenue. Individual motor vehicle registration records and other personal information held by the department of revenue may be disclosed** to any **person or** organization organized under an act of the Congress of the United States in accordance with the fee limitations as provided in section 610.026, RSMo.

32.091. 1. As used in sections 32.090 and 32.091, the following terms mean:

(1) "Motor vehicle record", any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration or identification card issued by the department of revenue;

(2) "Person", an individual, organization or entity, but does not include a state or agency thereof;

(3) "Personal information", information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address, but not the five-digit zip code, telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations and driver's status.

2. The department of revenue may disclose individual motor vehicle records pursuant to section 2721(b)(11) of Title 18 of the United States Code [and may disclose motor vehicle records in bulk pursuant to section 2721(b)(12) of Title 18 of the United States Code] in the manner prescribed in this section. The department shall provide to all individuals for which such records are maintained a method by which an individual may prohibit personal information in such individual's records from being disclosed pursuant to this section.

3. A notice that the personal information may be disclosed pursuant to this section and a notice of an individual's right to prohibit such disclosure shall be printed on all forms for issuance or renewal of motor vehicle titles and registrations prescribed in chapter 301, RSMo, and forms for issuance or renewal of motor vehicle operator's permits, licenses and personal identification cards issued pursuant to chapter 302, RSMo, in a clear and conspicuous manner. [In addition, with respect to bulk disclosures, the department shall ensure that the personal information disclosed shall be used, rented or sold solely for bulk distribution for surveys, marketing and solicitations, and that such surveys, marketing and solicitations shall not be directed at individuals who have notified the department in a timely manner that they do not want the personal information contained in motor vehicle records disclosed.]

4. Notwithstanding any other provision of law to the contrary, the department of revenue shall disclose any motor vehicle record or personal information permitted to be disclosed pursuant to sections 2721(b)(1) to 2721(b)(10) and 2721(b)(13) to 2721(b)(14) of Title 18 of the United States Code.

5. Pursuant to section 2721(b)(14) of Title 18 of the United States Code, any person who has a purpose to disseminate to the public a newspaper, book, magazine, broadcast or other similar form of public communication, including dissemination by computer or other electronic means, may request the department to provide individual or bulk motor vehicle records, such dissemination being related to the operation of a motor vehicle or to public safety. Upon receipt of such request, the department shall release the requested motor vehicle records. It is the public policy of this state that records be open to the public unless otherwise provided by law. The disclosure provisions of this section shall be liberally construed and the exemptions strictly construed to promote this public policy."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, Page 1, Section A, Line 7, by inserting after all of said line the following:

"105.271. 1. An adoptive parent who is employed by the state of Missouri, its departments, agencies, or political subdivisions, may use his or her accrued sick leave, annual leave, or the same leave without pay granted to biological parents to take time off for purposes of arranging for the adopted child's placement or caring for the child after placement. The employer shall not penalize an employee for requesting or obtaining time off according to this section.

2. A stepparent, as defined in section 453.015, RSMo, who is employed by the state of Missouri, its departments, agencies, or political subdivisions, may use his or her accrued sick leave, annual leave or the same leave without pay granted to biological parents to take time off to care for his or her stepchild. The employer shall not penalize an employee for requesting or obtaining time off according to this section.

[2.] **3.** The leave authorized by this section may be requested by the employee only if the employee is the person who is primarily responsible for furnishing the care and nurture of the child.

453.015. As used in sections 453.010 to [453.335] **453.400**, the following terms mean:

(1) "Minor" or "child", any person who has not attained the age of eighteen years or any person in the custody of the division of family services who has not attained the age of twenty-one;

(2) "Parent", a birth parent or parents of a child, including the putative father of the child, as well as the husband of a birth mother at the time the child was conceived, or a parent or parents of a child by adoption. The putative father shall have no legal relationship unless he has acknowledged the child as his own by affirmatively asserting his paternity;

(3) "Putative father", the alleged or presumed father of a child including a person who has filed a notice of intent to claim paternity with the putative father registry established in section 192.016, RSMo, and a person who has filed a voluntary acknowledgment of paternity pursuant to section 193.087, RSMo[.]; **and**

(4) "Stepparent", the spouse of a biological or adoptive parent. The term does not include the state if the child is a ward of the state. The term does not include a person whose parental rights have been terminated."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, Page 25, Section 610.125, Line 6, by inserting after all of said line the following:

"610.200. [All local] **1. Except as provided in subsection 2 of this section all** law enforcement agencies that maintain a daily log or record that lists suspected crimes, accidents, or complaints, shall make available the following information for inspection and copying by the public:

(1) The time, substance, and location of all complaints or requests for assistance received by the agency;

(2) The time and nature of the agency's response to all complaints or request for assistance; and

(3) If the incident involves an alleged crime or infraction:

(a) The time, date, and location of occurrence;

(b) The name and age of any victim, unless the victim is a victim of a crime under chapter 566, RSMo;

(c) The factual circumstances surrounding the incident; and

(d) A general description of any injuries, property or weapons involved.

2. Any law enforcement agency with custody of an accident report or incident report, as defined in section 610.100, shall not release the report containing the factual circumstances or general description of any injuries as provided in paragraphs (c) and (d) of subdivision (3) of subsection 1 of this section to a person that is not an interested party. For the purposes of this subsection, an "interested party" is any law enforcement agency, any person who was involved in the accident or incident, the owner of any vehicle involved in the accident or incident, the insurance company, physician or family member of any person involved in the accident or incident or any attorney or any member of the news media."; and

Further amend the title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, Page 1, Section A, Line 7, by inserting immediately after said line the following:

"192.800. As used in this section, the following terms mean:

(1) "Communicable disease", an illness due to an infectious agent or its toxic products and transmitted directly or indirectly to a susceptible host from an infected person, animal or arthropod or through the agency of an intermediate host or a vector or through the inanimate environment;

(2) "Designated officer", an employee of the department or a city or county health officer, or designee, located in or employed by appropriate agencies serving geographical regions and appointed by the director of the department of health, whose duties consist of:

(a) Collecting, upon request, facts surrounding possible exposure of a first responder or good samaritan to a communicable disease or infection;

(b) Contacting facilities that receive patients or clients of potentially exposed first responders or good samaritans to ascertain if a determination has been made as to whether the patient or client has had a communicable disease or infection and to ascertain the results of that determination; and

(c) Notifying the first responder or good samaritan as to whether or not there is reason for concern regarding possible exposure;

(3) "First responder", any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to, emergency first responders, police officers, sheriffs, deputy sheriffs, firefighters, ambulance attendants and attendant drivers, emergency medical technicians, mobile emergency medical technicians, emergency medical technician-paramedics, registered nurses or physicians;

(4) "Good samaritan", any person who renders emergency medical assistance or aid until such time as relieved of these

duties by a first responder;

(5) "Licensed facility", a facility licensed [under] **pursuant to** chapter 197, RSMo, or a state medical facility;

(6) **"Peace officer", a member of the state highway patrol, or any state, county or municipal law enforcement officer who serves full time with pay and possesses the duty and power of arrest for violations of the criminal laws of the state, or for violations of the ordinances of counties or municipalities of the state.**

192.802. The department of health shall ensure that **peace officers**, first responders or good samaritans are notified if there is reason to believe an exposure has occurred which may present a significant risk of a communicable disease as a result of **a peace officer performing any lawful duty, or first responder, good samaritan or peace officer** attending or transporting a patient to a licensed facility. At the request of any first responder, the licensed facility shall notify any such first responder and at the request of any good samaritan, the designated officer shall notify such good samaritan, **and at the request of any peace officer, the licensed facility or the designated officer shall notify such peace officer**. Notification will be made as soon as practicable, but not later than forty-eight hours, to the department of health or a designated officer.

192.804. 1. First responders or good samaritans who attended or transported a patient who believe that they may have received an exposure which may present a significant risk of a communicable disease by a patient may provide a written request concerning the suspected exposure to either the licensed facility that received the patient or the designated officer, detailing the nature of the alleged exposure. The form shall inform the first responder or good samaritan, in bold print, of the provisions of subsections 1 and 6 of section 191.656, RSMo, regarding confidentiality and consequences of violation of confidentiality provisions. The first responder or good samaritan shall be given a copy of the request form.

2. Peace officers acting in the lawful performance of their duties who believe they may have received an exposure which may present a significant risk of a communicable disease by an individual may provide a written request concerning the suspected exposure to either the licensed facility that received an individual or the designated officer, detailing the nature of the alleged exposure.

3. If the licensed facility, designated officer, coroner or medical examiner makes a determination that there was an exposure to a communicable disease, the report to the first responder, peace officer or good samaritan shall provide the name of the communicable disease involved, the date on which the patient was assisted or transported, and any advice or information about the communicable disease as provided by rule by the department of health and shall, in addition, inform the first responder, peace officer or the good samaritan of the provisions of subsections 1 and 6 of section 191.656, RSMo, regarding confidentiality and consequences of violation of confidentiality provisions. This section shall not be construed to authorize the disclosure of any identifying information with respect to the patient, first responder, peace officer or good samaritan."; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, Page 25, Section 610.125, Line 6, by inserting immediately after all of said line the following:

"Section 1. 1. No state agency shall release the personal information of any state employee without the consent of the employee. As used in this section, personal information shall mean the home address and home phone number of the employee.

2. This section shall not apply to the following:

- (1) Any release necessary to comply with any federal law or any specific state law;
- (2) Releases for authorized use by any federal agency, state agency, court of law or law enforcement agency; and
- (3) Motor vehicle and driver's license information subject to sections 32.090 and 32.091, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, Page 10, Section 610.021, Line 7, by inserting immediately following the word "available" of said line the following: "**with a record of how each member voted**".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, Page 10, Section 610.021, Line 4, by inserting immediately following the word "recorded" of said line the following: "**except that the concerned employee shall have the right to have an open meeting upon written request**".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, Page 1, Section A, Line 7 of said page, by inserting immediately after all of said line the following:

"172.035. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board[, except any meeting, record or vote closed under the provisions of section 610.025, RSMo]. Such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government presidents of the campuses of the university, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of [his] **such person's** appointment as a student at the University of Missouri.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1986.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until [his] **the student representative's** successor is appointed and qualified.

5. If the student representative ceases to be a student at the University of Missouri, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless [his] **such** absence is caused by sickness or some accident preventing [his] **such representative's** arrival at the time and place appointed for the meeting.

[6. The student representative while attending meetings of the board shall receive his actual expenses which shall be paid out of the ordinary revenues of the university.]

6. The student representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.

7. Appointments made under this section shall be made in rotation from each of the four campuses of the University of Missouri, beginning with a student from the Columbia campus, next from the Rolla campus, next from the Kansas City campus, and then from the St. Louis campus.

8. Unless alternative arrangements for payment have been made and agreed to by the student and the university, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

172.037. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not a student representative, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative.

174.055. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of regents **or governors** of each educational institution referred to in section 174.020 who shall attend all meetings and participate in all deliberations of the board[, except any meeting, record or vote closed under the provisions of section 610.025, RSMo]. Such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the institution as defined by the board, selected from a panel of three names submitted to the governor by the student government president, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of [his] **such person's** appointment as a student at the institution.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1986.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until [his] **such representative's** successor is appointed and qualified.

5. If the student representative ceases to be a student at the institution, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless the student representative's absence is caused by sickness or some accident preventing the student representative's arrival at the time and place appointed for the meeting.

[6. The student representative shall receive no compensation or reimbursement for expenses.]

6. The student representative shall receive the same reimbursement for expenses as other members of the board

of regents receive pursuant to section 174.100.

7. Unless alternative arrangements for payment have been made and agreed to by the student and the educational institution, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

174.057. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not a student representative, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative.

174.610. [1.] The governing board of the Truman State University shall be a board of governors consisting of [ten] **eleven** members, composed of seven voting members and [three] **four** nonvoting members as provided in section 174.620, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting governor who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years [next] **immediately** prior to [his] **such person's** appointment. Not more than four voting governors shall belong to any one political party. The appointed members of the board of regents serving on January 1, 1986, shall become members of the board of governors on January 1, 1986, and serve until the expiration of the terms for which they were appointed.

[2. The board of regents of the Truman State University is abolished.]

174.620. 1. The board of governors shall be appointed as follows:

(1) Four voting members [shall be selected] from the counties of Adair, Audrain, Boone, Callaway, Chariton, Clark, Howard, Knox, Lewis, Lincoln, Linn, Marion, Macon, Monroe, Montgomery, Pike, Putnam, Ralls, Randolph, St. Charles, Schuyler, Scotland, Shelby, Sullivan, and Warren, provided that not more than one member shall be appointed from the same county [of these aforementioned counties];

(2) Three voting members [shall be selected] from any of the seven college districts as contained in section 174.010, provided that no more than one member shall be appointed from the same congressional district;

(3) Two nonvoting members whose residence is other than the state of Missouri and who are knowledgeable of the educational mission of liberal arts institutions [shall be selected]; [and]

(4) One nonvoting member who is a student [shall be selected as provided in section 174.055]. **Such student representative shall attend all meetings and participate in all deliberations of the board. Such student representative shall not have the right to vote on any matter before the board, but shall have all other powers and duties of section 174.055, and shall also meet the qualifications of section 174.055.**

2. The term of service of the governors shall be as follows:

(1) The voting members shall be appointed for terms of six years; except, that of the voting members first appointed, two shall serve for terms of two years, two for terms of four years, and three for terms of six years;

(2) The nonvoting members who are not students shall be appointed for terms of six years; except, that of the nonvoting members first appointed, one shall serve for a term of three years, and one shall serve a term of six years; and

(3) The nonvoting student member shall serve a two-year term as provided in section 174.055.

3. The governors, **both nonvoting and voting**, while attending the meetings of the board shall receive their actual and necessary expenses, which shall be paid out of the ordinary revenues of the university. Vacancies in terms of office caused by death, resignation or removal shall be filled in the manner provided by law for such vacancies on the board of curators of the [State] University of Missouri.

175.021. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of curators of Lincoln University, who shall attend all meetings and participate in all deliberations of the board[, except any meeting, record or vote closed under the provisions of section 610.025, RSMo]. Such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government association of the university, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of [his] **such person's** appointment as a student at the university.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1989.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until [his] **such student representative's** successor is appointed and qualified.

5. If the student representative ceases to be a student at the university, or a resident of the state of Missouri, or fails to attend any regularly called meeting of the board of which [he] **such representative** has due notice, [his] **the** position shall at once become vacant, unless [his] **such student representative's** absence is caused by sickness or some accident preventing [his] **such representative's** arrival at the time and place appointed for the meeting.

[6. The student representative shall receive no compensation or reimbursement for expenses.]

6. The student representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 175.030.

7. Unless alternative arrangements for payment have been made and agreed to by the student and the university, the student [representatives of all public colleges and universities] **representative** shall have paid all student and tuition fees due prior to [said appointments] **such appointment** and shall pay all future student and tuition fees during the term of office when [said] **such** fees are due.

175.023. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not a student representative, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Banks offered **SA 15**, which was read:

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, Page 25, Section 610.125, Line 6, by inserting immediately after said line the following:

"Section 1. The provisions of Supreme Court rules, including but not limited to 33.17, notwithstanding, no legislator or licensed lawyer shall be prohibited from serving as a surety for an insurance company for the purposes of entering bail bonds."; and

Further amend the title and enacting clause accordingly.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, Page 25, Section 610.125, Line 6, by inserting after said line the following:

"Section 1. 1. Neither this state nor any county or other political subdivision of this state shall enter into any contract or arrangement or expend any general revenue or special revenue funds for the examination of a taxpayer's books and records if any part of the compensation paid or payable for the services of the person, firm or corporation conducting the examination is contingent upon or otherwise related to the amount of tax, interest, court cost or penalty assessed against or collected from the taxpayer. A contract or arrangement in violation of this section, if made or entered into after the effective date of this act, is void and unenforceable. Any assessment or preliminary assessment of taxes, penalties or interest proposed or asserted by a person, firm or corporation compensated under any such contract or arrangement shall likewise be null and void. Any contract or arrangement, if made or entered into after the effective date of this section, in which the person, firm or corporation conducting the examination agrees or has an understanding with the taxing authority that all or part of the compensation paid or payable will be waived or otherwise not paid if there is no assessment or no collection of tax or if less than a certain amount is assessed or collected is void and unenforceable.

2. For the purposes of this section the word "tax" shall mean any tax, license, fee or other charge payable to the state of Missouri, any agency thereof, county or any agency thereof, or other political subdivision or any agency thereof, including but not limited to, income, franchise, sales and use, property, business license, gross receipts or any other taxes payable by the taxpayer on account of its activities or property in, or income, sales, gross receipts or the like derived from sources within, the state, county or political subdivision.

3. The provisions of this section shall not be construed to prohibit or restrict this state or a county or other political subdivision of this state from entering into contracts or arrangements for the collection of any tax, interest, court cost or penalty when the person, firm or corporation making such assessment or collection has no authority to determine the amount of tax, interest, court cost or penalty owed this state or a county or other political subdivision of this state."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Schneider raised the point of order that **SA 16** is out of order as it goes beyond the subject matter of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Ehlmann offered **SA 17**, which was read:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, Page 18, Section 610.027, Line 5, by deleting the words "six months", and adding the words "one year"; and further amend said page, line 7, by deleting the word "one" and inserting the word "two".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator McKenna moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1095**, as amended, be adopted, which motion prevailed.

On motion of Senator McKenna, **SS** for **SCS** for **HS** for **HCS** for **HB 1095**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	House	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Schneider	Scott
Sims	Singleton	Staples	Wiggins
Yeckel--29			
NAYS--Senators			
Flotron	Graves	Howard	Russell
Westfall--5			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

HS for **HCS** for **HB 1636**, with **SCS**, entitled:

An Act to repeal sections 67.1400, 67.1410, 67.1420, 67.1430, 67.1440, 67.1450, 67.1460, 67.1470, 67.1480, 67.1490, 67.1500, 67.1510, 67.1520, 67.1530, 67.1540, 67.1550 and 67.1560, RSMo Supp. 1997, relating to community improvement districts, and to enact in lieu thereof eighteen new sections relating to the same subject.

Was taken up by Senator Mathewson.

SCS for **HS** for **HCS** for **HB 1636**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1636

An Act to repeal sections 67.1400, 67.1410, 67.1420, 67.1430, 67.1440, 67.1450, 67.1460, 67.1470, 67.1480, 67.1490, 67.1500, 67.1510, 67.1520, 67.1530, 67.1540, 67.1550 and 67.1560, RSMo Supp. 1997, relating to community improvement districts, and to enact in lieu thereof eighteen new sections relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS** for **HS** for **HCS** for **HB 1636** be adopted.

Senator Wiggins assumed the Chair.

Senator Clay offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1636, Page 11, Section 7, Line 30, by striking the word "subdivision" and inserting in lieu thereof the following: "**subdivisions (2) and**"; and further amend said section, line 31, by striking the word "subdivision" and inserting in lieu thereof the following: "**subdivisions (2) and**".

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Mathewson moved that **SCS** for **HS** for **HCS** for **HB 1636**, as amended, be adopted, which motion prevailed.

President Pro Tem McKenna assumed the Chair.

On motion of Senator Mathewson, **SCS** for **HS** for **HCS** for **HB 1636**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

HCS for **HB 1315** and **HS** for **HB 1070**, with **SCS**, entitled respectively:

An Act relating to insurance coverage for cancer early detection.

An Act to repeal sections 354.618 and 376.1209, RSMo Supp. 1997, relating to insurance coverage, and to enact in lieu thereof two new section relating to the same subject.

Were taken up by Senator Scott.

SCS for **HCS** for **HB 1315** and **HS** for **HB 1070**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1315 AND
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 1070

An Act to repeal sections 354.618 and 376.1209, RSMo Supp. 1997, relating to insurance coverage, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Scott moved that **SCS** for **HCS** for **HB 1315** and **HS** for **HB 1070** be adopted.

Senator Scott offered **SS** for **SCS** for **HCS** for **HB 1315** and **HS** for **HB 1070**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1315 AND
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 1070

An Act to repeal section 197.200, RSMo 1994, and sections 354.535, 354.618 and 376.1209, RSMo Supp. 1997, relating to insurance coverage, and to enact in lieu thereof five new sections relating to the same subject, with an effective date for a certain section.

Senator Scott moved that **SS** for **SCS** for **HCS** for **HB 1315** and **HS** for **HB 1070** be adopted.

Senator Westfall offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1315 and House Substitute for House Bill No. 1070, Page 6, Section 354.618, Lines 13-14, by striking all of the boldfaced language contained in said lines.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1315 and House Substitute for House Bill No. 1070, Page 9, Section 376.1209, Line 20, by inserting after all of said line the following:

"376.1225. 1. Every health benefit plan as that is defined in section 376.1350 and all self-insured group health benefit plans of any type or description whether providing for coverage for specific individuals and members of their families or to groups of individuals and/or their families and all plans offered by an "insurer" as defined in section 376.821, shall provide coverage for administration of general anesthesia and hospital charges for dental care provided to the following covered persons:

- (1) A child under the age of five;**
- (2) A person who is severely disabled; or**
- (3) A person who has a diagnosed medical or behavioral condition which requires hospitalization or general anesthesia when dental care is provided.**

2. Each plan as described in this section must provide coverage for hospital charges and administration of general anesthesia in a participating hospital or participating surgical care center.

3. Nothing in this section shall prevent a health carrier from requiring prior authorization for hospitalization for dental care procedures in the same manner that prior authorization is required for hospitalization for other covered diseases or conditions.

4. Nothing in this section shall apply to accident-only, dental-only specified disease, hospital indemnity, Medicare supplement, short-term major medical policies of six months or less duration or long-term care policies."

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1315 and House Substitute for House Bill No. 1070, Page 10, Section 376.1209, Line 24, by inserting immediately after said line the following:

"376.1400. 1. Every health insurance carrier and third party administrator offering policies of insurance in this state shall include, on the explanation of benefits form given to the health care provider whenever a claim is paid or denied, the following:

- (1) The claim number;**
- (2) The patient's full name;**
- (3) The full name of the insured;**
- (4) The address of the insured;**
- (5) The insured's identification number;**
- (6) The date of service;**

- (7) The amount of the charge;
- (8) The amount paid and the amount not paid;
- (9) An explanation for any denial;
- (10) The procedure code; and
- (11) The phone number of whom to contact for questions on explanation of benefits.

2. As used in this section and section 376.1405, the following terms shall mean:

- (1) "Health insurance carrier", the meaning given to "health carrier" in section 376.1350, except that this section shall not apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care, or other limited benefit health insurance policies;
- (2) "Third-party administrator", the meaning given in section 376.1075, RSMo.

3. This section shall become effective on January 1, 2000."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1315 and House Substitute for House Bill No. 1070, Page 10, Section 1, Line 4 of said page, by striking "August 28, 1998" and inserting in lieu thereof the following: "**January 1, 1999**".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1315 and House Substitute for House Bill No. 1070, Pages 1 and 2, Section 197.200, by removing said section from the bill; and

Further amend said bill, by changing the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Caskey offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1315 and House Substitute for House Bill No. 1070, Page 2, Section 197.200, Line 12, by inserting after the word "RSMo" the words "**and any entity meeting the definition of a hospital provided in subsection 2 of section 197.020 shall be licensed as a hospital pursuant to chapter 197, RSMo.**".

Senator Caskey moved that the above amendment be adopted, which motion failed on a standing division vote.

At the request of Senator Scott, **HCS** for **HB 1315** and **HS** for **HB 1070**, with **SCS** and **SS** for **SCS**, as amended (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 739**: Representatives: Stoll, Johnson, Liese, Sallee and Summers.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HBs 1519** and **1165**, as amended, and has again taken up and passed **SS** for **SCS** for **HCS** for **HBs 1519** and **1165**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1006** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1006**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1007** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1007**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1008** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1008**.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HB 1052**, with **SCS**: Senators Banks, Curls, Jacob, Singleton and Bentley.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1831, regarding the Eighty-fifth Anniversary of the Salisbury Music Club, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Russell introduced to the Senate, Fred, Sue and Gretchen Lutz and Dawn Crouch, Buffalo; and Gretchen and Dawn were made honorary pages.

Senator Kinder introduced to the Senate, Mr. and Mrs. Charles Ross and their grandson, Aaron Ross, Jackson.

Senator Ehlmann introduced to the Senate, the Physician of the Day, Dr. Bill Poggemeier and his son, Dr. David Poggemeier, St. Charles.

Senator House introduced to the Senate, Jeannette Harris, Sharon Easterday, Steve Rowan, Susan Whitehead-Clark and Sherry Christenson, St. Charles County.

Senator Rohrbach introduced to the Senate, fourth grade students from California R-I Elementary School, California.

Senator Kenney introduced to the Senate, Mary and Kent Brauningher, and their children, Chelsea, Eric, Helen and Max, homeschoolers from Kansas City; and Chelsea, Eric and Helen were made

honorary pages.

Senator Flotron introduced to the Senate, thirty-four fourth grade students from Solomon Schechter Day School, St. Louis; and Andrew Zvibleman, Alina Gritsan, Yonit Olshan and Jared Kohn were made honorary pages.

Senator Staples introduced to the Senate, Mickey Gage, and a delegation representing the Brotherhood of Locomotive Engineers.

Senator Graves introduced to the Senate, Nancy Herring, sixteen students and four parents from Norborne R-8 School, Norborne.

Senator Jacob introduced to the Senate, former State Representative Margot Patterson Lubensky, and her husband, Earl, Columbia.

Senator Wiggins introduced to the Senate, Rick and Anne Gipford, Kansas City; and Anne was made an honorary page.

On motion of Senator Quick, the Senate adjourned until 9:30 a.m., Wednesday, May 6, 1998.

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FIFTH DAY--WEDNESDAY, MAY 6, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we pray that You will help us to obey Your laws as we make laws of our own. We are thankful for the heritage provided to us by our families. Be with us as we seek to pass on to our children the wonderful things that have been given to us. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1832, regarding Billie Duckworth, Lone Jack, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1833, regarding Christy Lynnette Mengwasser, Westphalia, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1834, regarding Alecia Elaine Ridenhour, Holts Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1835, regarding the Fiftieth Wedding Anniversary of Lieutenant Colonel and Mrs. Warren Paul Hoover, Jr., Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1836, regarding Aaron David Hodges, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1837, regarding Daniel Patrick "Danny" McEntee, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 1838, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Francis, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1839, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clyde Hudson, Blue Springs, which was adopted.

Senator DePasco offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1840

WHEREAS, it is with great pride and sincere admiration that the members of the Missouri Senate pause to recognize Ross P. Marine, a treasured resident of Kansas City, Missouri, who will be honored as the Unity-Neighborliness-Integrity-Clarity-Opportunity (UNICO)/Kansas City Chapter Citizen of the Year at a dinner to be held May 31, 1998; and

WHEREAS, Ross Marine, DHL, MHA, has provided quality health care to the medically uninsured and underserved residents of Eastern Jackson County for the past eight years as Senior Vice President and Chief Operating Officer at Trinity Lutheran Hospital in Kansas City, as the Administrator for the Truman Medical Center East in Kansas City, and as the Director of Public Health for the Jackson County Health Department in Independence; and

WHEREAS, Ross Marine has effectively demonstrated his dynamic leadership skills and visionary acumen by implementing facility-wide strategic planning and an organizational development plan enabling Truman Medical Center East associates, medical/dental staff and faculty, and auxiliary/volunteers to identify and implement changes to provide quality care for the citizens of Eastern Jackson County; and

WHEREAS, Ross Marine has had the vision to expand access to health care by starting five public health outreach facilities; to recognize the need to improve the standards of care by successfully completing a thirty-eight-million-dollar renovation and expansion project at numerous Truman and other health care facilities; and to enhance the care of the medically uninsured and underinsured by supporting the University of Missouri-Kansas City School of Medicine, and the Department of Community and Family Medicine Residency Training Program, and the Gerontology Fellowship Program; and

WHEREAS, the recipient of numerous honors and awards, Ross Marine is extremely proud of his affiliation with such professional organizations as the Greater Kansas City Health Care Council, the Missouri Hospital Association, the Kansas City Area Hospital Association, the Kansas Hospital Board, the Crittenton Behavioral Health Board of Directors, the Metropolitan Official Health Agencies of the Greater Kansas City Area, the National Rural Health Association, and the Missouri Association of Homes for the Aging Board of Directors, just to name a few; and

WHEREAS, Ross Marine put forth a tremendous amount of effort through the role he played in forming a successful partnership between Truman Medical Center and Truman Medical Center East and the Citizens Association of Aid to Children at Risk (CAACR) of Petržalka, Slovakia, a project that will assist CAACR in developing a community health process to aid children and juveniles in at-risk families:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, unanimously join in extending our most hearty congratulations to Ross Marine at this proud moment of well-deserved distinction, and in wishing him only the very best as he continues to serve as a leader in the health care industry; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Ross P. Marine.

Senator Bentley offered Senate Resolution No. 1841, regarding Dr. Mary Jo Wynn, which was adopted.

Senator Graves offered Senate Resolution No. 1842, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dale Koontz, Norborne, which was adopted.

Senator Graves offered Senate Resolution No. 1843, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Billy J. Golston, Unionville, which was adopted.

Senator Graves offered Senate Resolution No. 1844, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill

Murphy, Graham, which was adopted.

Senator Graves offered Senate Resolution No. 1845, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Howard Baldwin, Unionville, which was adopted.

Senator Graves offered Senate Resolution No. 1846, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Chester Moore, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1847, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Samuel Bray, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1848, regarding Helen C. Austin, which was adopted.

Senator Graves offered Senate Resolution No. 1849, regarding Doris Ann Schmidt, which was adopted.

CONCURRENT RESOLUTIONS

Senator Caskey moved that **HCR 10** be taken up for adoption, which motion prevailed.

On motion of Senator Caskey, **HCR 10** was adopted by the following vote:

YEAS--Senators

Banks	Caskey	Childers	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bentley	Curls	Ehlmann	Jacob
Quick--5			

Absent with leave--Senators--None

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **SCS** for **HCS** for **HB 1009** and requests a further conference on **SCS** for **HCS** for **HB 1009**.

PRIVILEGED MOTIONS

Senator Lybyer moved that the Senate refuse to grant further conference on **SCS** for **HCS** for **HB 1009** and request the House to adopt the Conference Committee Report on **SCS** for **HCS** for **HB 1009** and take up and pass **CCS** for **HB 1009**; and failing to do so, grant the Senate a further conference on **SCS** for **HCS** for **HB 1002** through **SCS** for **HCS** for **HB 1012**, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **HS** for **HCS** for **HBs 1051** and **1276**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HS** for **HCS** for **HBs 1441, 937** and **1795**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HB 1510**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HS** for **HCS** for **HBs 1455** and **1463**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 1302**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following reports:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 1627**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 1834**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 1836**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 1240**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HS** for **HCS** for **HB 971**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HS** for **HCS** for **HBs 1405**,

1109 and **1335**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HS** for **HCS** for **HB 1656**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 1352**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HS** for **HCS** for **HB 1434**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 1536**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Curls, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HS** for **HCS** for **HBs 977** and **1608**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HCS** for **HB 1143**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1143, Page 1, In the Title, Line 2, by striking the word "six" and inserting in lieu thereof the word "five"; and

Further amend said bill, Page 1, Section A, Line 1, by striking the word "six" and inserting in lieu thereof the word "five"; and further amend said section, line 2, by striking the numeral "190.313,"; and

Further amend said bill, Page 1, Section 190.313, Lines 1-7, by striking all of said lines.

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 1143, Page 3, Section 190.430, Lines 2-3, by striking "seventy-five" and inserting in lieu thereof "**fifty**"; and

Further amend said bill, page 5, section 190.440, line 13, by striking "seventy-five" and inserting in lieu thereof "**fifty**".

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HCS** for **HB 1526**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1136**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1, 2 and 3.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1136, Page 3, Section 198.026, Lines 54 and 55, by deleting all of said lines and inserting in lieu thereof the following: "health, and any other concerned federal, state or local governmental agencies. **The department shall send a copy of the notice of noncompliance, the statement of deficiencies, and the response by the facility and their plan of correction to the state representative and state senator for the district in which the cited facility is located. The department shall forward any changes made in the citation.**"; and

Further amend said bill, Page 3, Section 198.029, Lines 12 through 15, by deleting all of said lines and inserting in lieu thereof the following:

"(3) Send a copy of the notice of noncompliance, **the statement of deficiencies, and the response by the facility and their plan of correction** to the division of family services of the department of social services, the department of mental health, **the state representative and state senator for the district in which the facility is located**, and any other concerned federal, state or local government agencies. **The department shall forward any changes made in the citation.** The facility shall post in a conspicuous location in the".

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Bill No. 1136, Page 1, In the Title, Line 3, by striking "two" and inserting in lieu thereof the following: "six"; and

Further amend said bill and page, Section A, line 1, by striking "two" and inserting in lieu thereof the following: "six" and further amend line 2, by striking "and 198.029" and inserting in lieu thereof the following: ", 198.029, 1, 2, 3 and 4"; and

Further amend said bill, page 3, section 198.029, line 16, by inserting after all of said line the following:

"Section 1. The division of aging may establish a pilot project to provide the elderly who suffer from alzheimer's disease or dementia with enhanced and specialized care by allowing no more than five alzheimer or dementia care facilities to be developed. Such facilities shall:

(1) Be developed in conjunction with, and work collaboratively with the school of medicine or school of nursing affiliated with a Missouri institution of higher education; and

(2) As a minimum, comply with all life safety codes and comply with staffing patterns as determined by an agreement between the division of aging, participating medical school or school of nursing and such facility administrator. However, in no case may the requirements be less than such requirements required for facilities defined in section 198.006. Such agreement shall address:

(a) Physical design of the facility to enhance the care of the elderly to be served;

(b) Staffing patterns;

(c) Admission criteria;

- (d) Assessment and monitoring of the residents;
- (e) Education of staff employed by the facility; and
- (f) Program development.

Section 2. Two of the five facilities for this pilot project shall be facilities currently licensed under chapter 198, RSMo, and two shall be newly constructed after the division of aging grants approval as a pilot project pursuant to this section. The division of aging shall decide whether the fifth facility shall be a currently licensed facility or a newly constructed facility.

Section 3. Such facilities described in section 1 shall be exempt from the provisions of sections 197.300 to 197.366, RSMo.

Section 4. The division of aging, participating facilities and the school of medicine or school of nursing shall complete a report by December 1, 2001, on the pilot project for each of the five facilities participating in the project."

SENATE COMMITTEE AMENDMENT NO. 3

Amend House Bill No. 1136, Page 1, In the Title, Lines 2-3, by striking all of said lines and inserting in lieu thereof the following: "To repeal sections 198.026 and 198.029, RSMo 1994, and section 197.317, RSMo Supp. 1997, relating to long-term care facilities, and to enact in lieu thereof three new sections relating to the same"; and

Further amend said bill and page, Section A, line 1, by striking the following: "are repealed and two" and inserting in lieu thereof the following: "and section 197.317, RSMo Supp. 1997, are repealed and three"; and further amend line 2, by inserting after "sections" as it appears the second time, the following: "197.317,"; and further amend line 2 by inserting after all of said line the following:

"197.317. After July 1, 1983, no certificate of need shall be issued for the following:

(1) Additional residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility beds above the number then licensed by this state;

(2) Beds in a licensed hospital to be reallocated on a temporary or permanent basis to nursing care or beds in a long-term care hospital meeting the requirements described in 42 C.F.R., section 412.23(e), excepting those which are not subject to a certificate of need pursuant to paragraphs (e) and (g) of subdivision (12) of section 197.305; nor

(3) The reallocation of intermediate care facility or skilled nursing facility beds of existing licensed beds by transfer or sale of licensed beds between a hospital licensed under this chapter or a nursing care facility licensed under chapter 198, RSMo; except for beds in counties in which there is no existing nursing care facility. No certificate of need shall be issued for the reallocation of existing residential care facility I or II, or intermediate care facilities operated exclusively for the mentally retarded to intermediate care or skilled nursing facilities or beds. However, after July 1, [1999] **2001**, nothing in this section shall prohibit the Missouri health facilities review committee from issuing a certificate of need for additional beds in existing health care facilities or for new beds in new health care facilities or for the reallocation of licensed beds, provided that no construction shall begin prior to July 1, [2000] **2002**. The provisions of subsections 16 and 17 of section 197.315 shall apply to the provisions of this section."

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1822**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clay, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **HB 1144**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1144, Page 1, In the Title, Lines 2-3, by striking all of said lines and inserting in lieu thereof the following: "To repeal section 386.570, RSMo 1994, relating to regulation of gas utilities, and to enact in lieu thereof two new sections relating to the same"; and

Further amend said bill and page, section A, lines 1 and 2, by striking all of said lines and inserting in lieu thereof the following:

"Section A. Section 386.570, RSMo 1994, is repealed and two new sections enacted in lieu thereof, to be known as sections 386.570 and 393.143, to read as follows:"; and

Further amend said bill, page 2, section 386.570, line 30, by inserting after all of said line the following:

"393.143. Other provisions of law or state regulation to the contrary notwithstanding, gas leaks which do not constitute a hazard to property or to the general public but are of a nature requiring routine action shall be repaired no later than three years following the date of classification and shall be rechecked no less often than every six months until the leak is repaired or until the facility is replaced."

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HCS** for **HBs 1273, 943** and **1217**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HS** for **HCS** for **HBs 1147, 1435, 1050, 1186** and **1108**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HBs 1363** and **906**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bills Nos. 1363 and 906, Page 1, In the Title, Line 2, by inserting after "174.055" the following: ", 174.453"; and further amend line 4 of the title, by striking "twelve" and inserting in lieu thereof "thirteen"; and

Further amend said bill and page, section A, line 1, by inserting after "174.055" the following: ", 174.453"; and further amend line 2, by striking "twelve" and inserting in lieu thereof "thirteen"; and

Further amend said bill, page 5, section 174.057, line 9, by inserting immediately after all of said line the following:

"174.453. 1. The board of governors shall be appointed as follows:

(1) Four voting members shall be selected from the counties comprising the institution's historic statutory service region as described in section 174.010, [except that] not more than one member shall be appointed from any one county, **except for the county where the institution's main campus is located and except for a county with a population of**

more than two hundred thousand;

(2) Three voting members shall be selected from any of the counties in the state which are outside of the institution's historic service region; except that not more than one **such** member shall be appointed from any one congressional district; **and**

(3) [Two nonvoting members whose residence is other than the state of Missouri and who are knowledgeable of the educational mission of such institution; and

(4)] One nonvoting member who is a student shall be selected in the same manner as prescribed in section 174.055.

2. The term of service of the governors shall be as follows:

(1) The voting members shall be appointed for terms of six years; [except, that of the voting members first appointed, two shall serve for terms of two years, two for terms of four years, and three for terms of six years;] **and**

(2) [The nonvoting members who are not students shall be appointed for terms of six years; except, that of the nonvoting members first appointed, one shall serve for a term of three years, and one shall serve a term of six years; and

(3)] The nonvoting student member shall serve a two-year term."

Senator Maxwell, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **HCS** for **HB 1626**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Johnson announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HB 948, introduced by Representative Long, entitled:

An Act relating to the name of certain highways.

Was called from the Consent Calendar and taken up by Senator Russell.

On motion of Senator Russell, **HB 948** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

Senator Staples assumed the Chair.

HB 1300, with **SCA 1**, introduced by Representative Kennedy, et al, entitled:

An Act to repeal section 301.140, RSMo Supp. 1997, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

Was called from the Consent Calendar and taken up by Senator Scott.

SCA 1 was taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Scott, **HB 1300**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
McKenna	Schneider--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

HB 1201, introduced by Representative Summers, et al, entitled:

An Act to repeal section 32.105, RSMo Supp. 1997, relating to the neighborhood assistance program, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Maxwell.

On motion of Senator Maxwell, **HB 1201** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bentley	Klarich	Schneider--3
Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 1145, with **SCS**, introduced by Representatives Lakin and Luetkenhaus, entitled:

An Act to repeal section 493.050, RSMo 1994, relating to publication of legal notices, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Quick.

SCS for **HB 1145**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1145

An Act to repeal section 493.025, 493.027, 493.030 and 493.050, RSMo 1994, relating to publication of legal notices, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Quick moved that **SCS** for **HB 1145** be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **HB 1145** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators
Bentley Schneider--2
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

HB 1113, with **SCA 1**, introduced by Representative DeMarce, entitled:

An Act relating to a county road tax in counties with a population between four thousand two hundred and six thousand five hundred.

Was called from the Consent Calendar and taken up by Senator Maxwell.

SCA 1 was taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Maxwell, **HB 1113**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senator Graves--1			
Absent--Senator McKenna--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 1385, with **SCS**, introduced by Representative Summers, entitled:

An Act to repeal section 247.070, RSMo 1994, relating to public water supply district board meetings, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Maxwell.

SCS for **HB 1385**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1385

An Act to repeal section 247.180, RSMo Supp. 1997, relating to public water supply district elections, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Maxwell moved that **SCS** for **HB 1385** be adopted, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **HB 1385** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Ehlmann	McKenna	Scott	Sims--4
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 1622, with **SCA 1**, introduced by Representative Fritts, entitled:

An Act to repeal section 247.040, RSMo Supp. 1997, relating to public water supply districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

SCA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Caskey, **HB 1622**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney

Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
McKenna	Singleton--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

HB 1807, introduced by Representative Bartelsmeyer, entitled:

An Act to repeal sections 78.100 and 78.260, RSMo 1994, relating to certain city offices, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Westfall.

On motion of Senator Westfall, **HB 1807** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator McKenna--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Mathewson assumed the Chair.

PRIVILEGED MOTIONS

Senator Johnson moved that **SCS** for **SB 501**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final

passage, which motion prevailed.

HS for **HCS** for **SCS** for **SB 501**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 501

An Act to repeal sections 169.020, 169.070, 169.597 and 169.670, RSMo Supp. 1997, relating to public school retirement systems, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Johnson moved that **HS** for **HCS** for **SCS** for **SB 501**, as amended, be adopted.

At the request of Senator Johnson, the motion to adopt **HS** for **HCS** for **SCS** for **SB 501**, as amended, was withdrawn.

Senator Maxwell moved that **SCS** for **SJR 24**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SJR 24**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 24

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 37(e) of article III of the Constitution of Missouri, relating to powers of the legislature by adding thereto three new sections relating to the issuance of bonds for water pollution and stormwater control.

Was taken up.

President Pro Tem McKenna assumed the Chair.

Senator Maxwell moved that **HCS** for **SCS** for **SJR 24**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Rohrbach--1			
Absent--Senators			

Banks	Curls	Schneider--3
	Absent with leave--Senators--None	

On motion of Senator Maxwell, **HCS** for **SCS** for **SJR 24**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
	NAYS--Senator Rohrbach--1		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 950, with **SCA 1**, introduced by Representatives Leake and Wiggins, entitled:

An Act to repeal sections 348.015 and 348.400, RSMo Supp. 1997, relating to agriculture, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Lybyer.

SCA 1 was taken up.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Lybyer, **HB 950**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Maxwell	McKenna	Mueller
Scott	Sims	Staples	Westfall
Wiggins	Yeckel--26		

NAYS--Senators

Caskey
Singleton--5

Graves

Quick

Rohrbach

Absent--Senators

Mathewson

Russell

Schneider--3

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HB 1805** and has again taken up and passed **HB 1805**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1748** and has again taken up and passed **HB 1748**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1158** and has again taken up and passed **SCS** for **HB 1158**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1046** and has again taken up and passed **HB 1046**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1469**, as amended, and has again taken up and passed **SCS** for **HCS** for **HB 1469**, as amended, with House Perfecting Amendment No. 1.

HOUSE PERFECTING AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1469, Page 3, Section 168.071, Line 14, by deleting the number "**162.520**" and inserting in lieu thereof the number "**161.520**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HCS** for **HB 1161**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 1850, regarding Wayne Smith, Neosho, which was adopted.

Senator Singleton offered Senate Resolution No. 1851, regarding Dave Crocker, Neosho, which was adopted.

Senator Singleton offered Senate Resolution No. 1852, regarding the Second Baptist Church of Neosho, which was adopted.

Senator Singleton offered Senate Resolution No. 1853, regarding the Newton County Commission, which was adopted.

Senator Singleton offered Senate Resolution No. 1854, regarding the Newton County Historical Society, which was adopted.

Senator Singleton offered Senate Resolution No. 1855, regarding the Neosho-Newton County Library, which was adopted.

Senator Singleton offered Senate Resolution No. 1856, regarding the Genealogy Friends of the Library, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1857, regarding Kerry Lee Heutel, O'Fallon, which was adopted.

On motion of Senator Quick, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

PRIVILEGED MOTIONS

Senator Johnson moved that **SCS** for **SB 501**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SB 501**, as amended, was again taken up.

Senator Johnson moved that **HS** for **HCS** for **SCS** for **SB 501**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Caskey	Childers	Clay
DePasco	Goode	House	Howard
Jacob	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Quick	Schneider
Scott	Sims	Staples	Wiggins--20

NAYS--Senators

Bentley	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Mueller
Rohrbach	Russell	Singleton	Westfall
Yeckel--13			

Absent--Senator Curls--1

Absent with leave--Senators--None

On motion of Senator Johnson, **HS** for **HCS** for **SCS** for **SB 501**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

NAYS--Senator Rohrbach--1

Absent--Senators

Banks	Curls--2
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

NAYS--Senator Rohrbach--1

Absent--Senators

Banks	Curls--2
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Absent with leave--Senators--None

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HCS** for **HB 1161**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Jacob, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 778**, submitted the following conference committee report:CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 778

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Committee Substitute for Senate Bill No. 778, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 778;
2. That the Senate recede from its position on Senate Bill No. 778;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 778 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Ken Jacob
/s/ William Clay
/s/ Harold L. Caskey
/s/ Doyle Childers
/s/ Walt Mueller

FOR THE HOUSE:

/s/ Thomas J. Hoppe
/s/ James Foley
/s/ Henry C. Rizzo
/s/ John E. Griesheimer
/s/ Marilyn Edwards-Pavia

Senator Jacob moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Banks

Curls--2

Absent with leave--Senators--None

On motion of Senator Jacob, **CCS** for **HCS** for **SB 778**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 778

An Act to repeal sections 140.250, 140.730, 141.530 and 141.550, RSMo 1994, and sections 140.405 and 301.025, RSMo Supp. 1997, relating to the procedure for collection of certain taxes, and to enact in lieu thereof six new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Banks	Curls--2		
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Quick moved that **SS No. 2** for **SCS** for **SB 632**, with **HS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

HS for **SS No. 2** for **SCS** for **SB 632**, as amended, entitled:

HOUSE SUBSTITUTE FOR SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 632

An Act to amend chapter 208, RSMo, by adding thereto two new sections relating to providing health care coverage through Medicaid for certain uninsured children, with an expiration date for a certain section.

Was taken up.

Senator Wiggins assumed the Chair.

Senator Johnson assumed the Chair.

Senator Howard assumed the Chair.

Senator Quick moved that **HS** for **SS No. 2** for **SCS** for **SB 632**, as amended, be adopted.

At the request of Senator Quick, the above motion was withdrawn.

On motion of Senator Quick, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

BILL REFERRALS

President Pro Tem McKenna referred **HS** for **HCS** for **HBs 1051** and **1276**, with **SCS**; **HCS** for **HB 1510**; **HS** for **HCS** for **HBs 1455** and **1463**, with **SCS**; **HB 1836**, with **SCS**; **HS** for **HCS** for **HB 971**, with **SCS**; **HS** for **HCS** for **HBs 1405**, **1109** and **1335**, with **SCS**; **HS** for **HCS** for **HB 1656**, with **SCS**; **HS** for **HCS** for **HB 1434**, with **SCS**; **HCS** for **HB 1526**, with **SCS**; **HB 1822**, with **SCS**; and **HCS** for **HBs 1147**, **1435**, **1050**, **1186** and **1108**, with **SCS**, to the Committee on State Budget Control.

THIRD READING OF SENATE BILLS

HB 1043, with **SCS**, introduced by Representatives Gross and Thomason (163), entitled:

An Act relating to drivers' license numbers, with a penalty provision.

Was called from the Consent Calendar and taken up by Senator Ehlmann.

SCS for **HB 1043**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1043

An Act relating to certain operations of government.

Was taken up.

Senator Ehlmann moved that **SCS** for **HB 1043** be adopted, which motion prevailed.

On motion of Senator Ehlmann, **SCS** for **HB 1043** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28

NAYS--Senator Banks--1

Absent--Senators

Clay	Curls	House	Jacob
Maxwell--5			

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

HB 1668, with **SCS**, introduced by Representative Hosmer, et al, entitled:

An Act to repeal section 192.1000, RSMo Supp. 1997, relating to first responder programs, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Schneider.

Senator Staples assumed the Chair.

SCS for **HB 1668**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1668

An Act to repeal section 192.1000, RSMo Supp. 1997, relating to first responder programs, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Schneider moved that **SCS** for **HB 1668** be adopted.

At the request of Senator Schneider, the above motion was withdrawn.

HB 1506, introduced by Representative O'Toole, entitled:

An Act relating to certain practices by telephone companies.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HB 1506** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
McKenna	Quick--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

HB 1476, introduced by Representative Scheve, et al, entitled:

An Act to repeal section 660.078, RSMo 1994, relating to the elderly home delivered meals trust fund, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 1476** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Curls	McKenna	Quick--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

HB 1928, introduced by Representative Parker, entitled:

An Act to repeal section 701.031, RSMo 1994, relating to disposal of sewage, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Goode.

Senator Goode moved that **HB 1928** be read the 3rd time and finally passed, which motion failed to receive a constitutional majority by the following vote:

YEAS--Senators			
DePasco	Ehlmann	Flotron	Goode
House	Jacob	Johnson	Kenney
Mathewson	Wiggins--10		
NAYS--Senators			

Caskey	Childers	Graves	Howard
Kinder	Klarich	Lybyer	Maxwell
Mueller	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Yeckel--17			

	Absent--Senators		
Banks	Bentley	Clay	Curls
McKenna	Quick	Schneider--7	
	Absent with leave--Senators--None		

HB 1148, introduced by Representative Rizzo, entitled:

An Act to repeal sections 319.129, 319.131 and 319.133, RSMo Supp. 1997, relating to the petroleum storage tank insurance fund, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 1148** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Clay	Curls	Quick--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

HB 1216, introduced by Representative Monaco, entitled:

An Act to repeal sections 351.604, 355.716 and 355.813, RSMo 1994, relating to reinstatement of corporations, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Wiggins.

On motion of Senator Wiggins, **HB 1216** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode

Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Clay	Curls--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Clay	Curls--2		
	Absent with leave--Senators--None		

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 1907, with **SCS**, introduced by Representative Lakin, entitled:

An Act to repeal section 660.317, RSMo Supp. 1997, relating to criminal background checks for health care employees, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

SCS for **HB 1907**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1907

An Act to repeal section 660.317, RSMo Supp. 1997, relating to criminal background checks for health care employees, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **HB 1907** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **HB 1907** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Curls--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

HB 1226, introduced by Representative May (108th), entitled:

An Act to repeal section 211.331, RSMo 1994, relating to detention facilities in counties of the first and second classification, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Schneider.

On motion of Senator Schneider, **HB 1226** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 1880, with **SCS**, introduced by Representative Hickey, entitled:

An Act relating to certain motor vehicle equipment.

Was called from the Consent Calendar and taken up by Senator Schneider.

SCS for **HB 1880**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1880

An Act to repeal section 301.140, RSMo Supp. 1997, and to enact in lieu thereof two new sections relating to motor vehicles, with an effective date for a certain section.

Was taken up.

Senator Schneider moved that **SCS** for **HB 1880** be adopted, which motion prevailed.

President Pro Tem McKenna assumed the Chair.

Senator Schneider moved that **SCS** for **HB 1880** be read the 3rd time and finally passed.

At the request of Senator Schneider, the above motion was withdrawn.

PRIVILEGED MOTIONS

Senator Quick moved that **SS No. 2** for **SCS** for **SB 632**, with **HS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SS No. 2** for **SCS** for **SB 632**, as amended, was again taken up.

Senator Quick moved that **HS** for **SS No. 2** for **SCS** for **SB 632**, as amended, be adopted.

Senator Ehlmann submitted the following substitute motion:

"I move that the Senate refuse to concur in **HS** for **SS No. 2** for **SCS** for **SB 632**, as amended, and request that the House grant a conference thereon.

I further move that the conferees be bound to adopt the following amendment:

Amend said bill, page 2, section 208.185, line 12, of said page, by striking the word "available" and inserting in lieu thereof the following: "**gross**"; and

Further amend said bill and section, page 4, lines 20 to 22, of said page, by striking all of said lines; and further amend said bill and section, page 5, lines 1 and 2, of said page, by striking all of said lines and inserting in lieu thereof the following:

"7. There shall be a thirty day waiting period after enrollment for uninsured children in families with a gross income of more than two hundred percent of the federal poverty level before the child becomes eligible for insurance under the provisions under this act. If the parent or guardian with a gross income of more than two hundred percent of the federal poverty level does not make the copayment or premium payment required in this section, the child shall not be eligible for coverage under this act for six months after the department provides notice of such failure to the parent or guardian.";

and further that the conferees be instructed to reject House Amendment No. 2."

Senator Ehlmann moved that the above substitute motion be adopted.

Senator Ehlmann offered **SA 1** to the substitute motion:

SENATE AMENDMENT NO. 1

Amend the substitute motion, Line 22, by inserting at the end of said line the following: "and

Further amend said bill, Page 7, Section 208.185, Line 11 of said page, by inserting immediately after all of said line the following:

"12. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act.";

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann moved that the substitute motion, as amended, be adopted.

Senator Maxwell requested a roll call vote be taken on the substitute motion, as amended, and was joined in his request by Senators Ehlmann, Mathewson, Singleton and Westfall.

The substitute motion, as amended, was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			
NAYS--Senators			
Banks	Curls	Howard	Lybyer--4
Absent--Senator Clay--1			

HOUSE BILLS ON THIRD READING

HB 987, with **SCS**, introduced by Representative Richardson, entitled:

An Act to repeal section 451.040, RSMo Supp. 1997, relating to applications for marriage licenses, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

SCS for **HB 987**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 987

An Act to repeal section 451.100, RSMo 1994, and section 451.040, RSMo Supp. 1997, relating to applications for marriage licenses, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **HB 987** be adopted, which motion prevailed.

Senator Staples assumed the Chair.

On motion of Senator Caskey, **SCS** for **HB 987** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Clay	Quick	Schneider--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

HB 1856, introduced by Representative Hosmer, entitled:

An Act to amend chapter 413, RSMo, relating to taximeter units of measurement by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 1856** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Clay	Quick--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

HB 1862, with **SCAs 1** and **2**, introduced by Representatives Crawford and Pryor, entitled:

An Act to amend chapter 60, RSMo, relating to land surveys by adding thereto one new section relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Russell.

SCA 1 was taken up.

Senator Russell moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Russell moved that the above amendment be adopted, which motion failed.

On motion of Senator Russell, **HB 1862**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims

Singleton	Staples	Westfall	Wiggins
Yeckel--33			
	NAYS--Senator Howard--1		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

HB 1600, introduced by Representatives Williams (159) and Legan, entitled:

An Act to repeal sections 266.160, 266.165 and 266.185, RSMo Supp. 1997, relating to the commercial feed law, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Johnson.

On motion of Senator Johnson, **HB 1600** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Quick--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Ehlmann moved that motion lay on the table, which motion prevailed.

HB 1587, introduced by Representatives Luetkenhaus and Ostmann, entitled:

An Act to repeal section 67.1000, as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bill no. 3 of the second extraordinary session of the eighty-ninth general assembly and approved by the governor, relating to local tourism taxes of municipalities and other political subdivisions, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Ehlmann.

On motion of Senator Ehlmann, **HB 1587** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators			
Curls	Graves--2		
	Absent--Senator Quick--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Banks	Ehlmann	Quick	Sims--4
	Absent with leave--Senators--None		

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

HB 1905, introduced by Representatives Green and Kreider, entitled:

An Act to repeal sections 184.810 and 184.840, RSMo Supp. 1997, relating to museum districts, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Childers.

On motion of Senator Childers, **HB 1905** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Childers	Clay	Curls

DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Rohrbach
Russell	Scott	Singleton	Staples
Westfall	Wiggins	Yeckel--27	

NAYS--Senator Caskey--1

Absent--Senators

Banks	Ehlmann	Johnson	Quick
Schneider	Sims--6		

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

HB 1157, introduced by Representatives McClelland and Hosmer, entitled:

An Act to repeal sections 26.609 and 26.614, RSMo 1994, relating to the community service commission, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Maxwell.

On motion of Senator Maxwell, **HB 1157** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
Curls	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Rohrbach	Russell	Scott
Singleton	Staples	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Banks	Ehlmann	Quick	Schneider
Sims--5			

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

HB 1847, introduced by Representative Kreider, entitled:

An Act to repeal section 321.690, RSMo 1994, relating to fire protection district audits, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Childers.

On motion of Senator Childers, **HB 1847** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Banks--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Flotron moved that motion lay on the table, which motion prevailed.

HCS for **HB 1189**, with **SCA 1**, entitled:

An Act to repeal sections 408.036 and 408.500, RSMo 1994, relating to credit transactions, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Flotron.

SCA 1 was taken up.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron moved that **HCS** for **HB 1189**, as amended, be read the 3rd time and passed.

At the request of Senator Flotron, the above motion was withdrawn.

HB 1859, with **SCS**, introduced by Representative Thomason, entitled:

An Act to repeal section 263.527, RSMo Supp. 1997, relating to boll weevil eradication, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Howard.

SCS for **HB 1859**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1859

An Act to repeal sections 263.527 and 263.537, RSMo Supp. 1997, relating to cotton growers assessments, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Howard moved that **SCS** for **HB 1859** be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **HB 1859** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Banks	Mueller	Scott--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 1918, with **SCS**, introduced by Representative Lograsso, et al, entitled:

An Act to repeal section 566.023, RSMo 1994, relating to affirmative defenses to sexual offenses, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

SCS for **HB 1918**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1918

An Act to repeal sections 105.271, 566.023, RSMo 1994, and sections 453.010, 453.015, 453.030, 453.040, 453.070, 453.075, 453.077, 453.080 and 453.170, RSMo Supp. 1997, relating to domestic relations, and to enact in lieu thereof sixteen new sections relating to the same subject, with an effective date for a certain section.

Was taken up.

Senator Caskey moved that **SCS** for **HB 1918** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **HB 1918** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Banks	Lybyer--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

HB 1837, introduced by Representative Hollingsworth, entitled:

An Act to repeal section 139.031, RSMo 1994, relating to property tax assessments, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

Was called from the Consent Calendar and taken up by Senator McKenna.

On motion of Senator McKenna, **HB 1837** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Banks	Lybyer	Quick--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

HB 1066, with **SCS**, introduced by Representative Clayton, entitled:

An Act to amend chapter 400, RSMo, relating to the uniform commercial code by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Wiggins.

SCS for **HB 1066**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1066

An Act to repeal section 400.9-313, RSMo 1994, relating to security interests in fixtures, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Wiggins moved that **SCS** for **HB 1066** be adopted, which motion prevailed.

President Pro Tem McKenna assumed the Chair.

On motion of Senator Wiggins, **SCS** for **HB 1066** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Banks	Clay	Mueller	Quick--4
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

HB 1301, with **SCA 1**, introduced by Representative Campbell, entitled:

An Act to repeal sections 136.365 and 136.370, RSMo 1994, relating to taxation, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Wiggins.

SCA 1 was taken up.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Wiggins, **HB 1301**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Banks	Clay	Mueller--3	
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

HB 1531, introduced by Representative Hoppe, entitled:

An Act to repeal section 140.730, RSMo 1994, relating to the collection of personal property taxes, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Jacob.

Senator Staples assumed the Chair.

On motion of Senator Jacob, **HB 1531** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Banks

Clay

Mueller--3

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Flotron moved that motion lay on the table, which motion prevailed.

HB 1744, introduced by Representative Akin, entitled:

An Act to repeal section 513.430, RSMo 1994, relating to property exempt from attachment, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Flotron.

On motion of Senator Flotron, **HB 1744** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Curls
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Banks	Clay	Ehlmann	Mueller
Quick--5			

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

HB 1033, introduced by Representatives Franklin and Leake, entitled:

An Act to repeal sections 70.660 and 70.676, RSMo 1994, and section 70.675, RSMo Supp. 1997, relating to the Missouri local government employees' retirement system, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Johnson.

On motion of Senator Johnson, **HB 1033** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Curls
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Banks	Clay	Ehlmann	Mueller--4
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 1599, with **SCS**, introduced by Representative Clayton, entitled:

An Act to repeal section 50.1100, RSMo 1994, and section 50.1110, RSMo Supp. 1997, relating to the county employees' retirement system, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

SCS for **HB 1599**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1599

An Act to repeal sections 50.1000, 50.1040, 50.1090, 50.1100 and 50.1140, RSMo 1994, and section 50.1110, RSMo Supp. 1997, relating to county employee retirement, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **HB 1599** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **HB 1599** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Curls
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Quick
Rohrbach	Russell	Schneider	Scott

Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Banks	Clay	Ehlmann	Mueller--4
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

HB 1791, with **SCAs 1, 2, and 3**, introduced by Representative Clayton, et al, entitled:

An Act relating to the creation of the mid-America port authority, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Maxwell.

SCA 1 was taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

SCA 3 was taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Maxwell, **HB 1791**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Curls
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Banks	Clay	Ehlmann	Mueller--4
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

HB 1272, with **SCS**, introduced by Representatives Holand and Wooten, entitled:

An Act to repeal section 162.471, RSMo 1994, relating to school boards, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Bentley.

SCS for **HB 1272**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1272

An Act to repeal sections 162.471 and 162.481, RSMo 1994, relating to school boards, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Bentley moved that **SCS** for **HB 1272** be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS** for **HB 1272** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Banks	Clay	Mueller--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1891**, begs leave to report that it has considered the same and recommends that the bill do pass.

RESOLUTIONS

Senators House and Ehlmann offered Senate Resolution No. 1858, regarding the Wentzville High School Math Team, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Russell introduced to the Senate, Miss Missouri U.S.A., Melanie Breedlove, and her mother, Beverly Breedlove, Mountain Grove.

Senator Ehlmann introduced to the Senate, the Physician of the Day, Dr. Kevin Threlkeld, M.D., Lake St. Louis.

Senator Howard introduced to the Senate, Davis Minton, Dexter.

Senator Yeckel introduced to the Senate, former State Senator Irene Treppler and her granddaughter, Lauren Treppler; and students from Kennerly Elementary School, St. Louis; and Lauren, Bonnie Lenzen, Brad Kulifay, Clayton Prewitt and Claire Riassetto were made honorary pages.

On motion of Senator Quick, the Senate adjourned until 9:30 a.m., Thursday, May 7, 1998.

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SIXTH DAY--THURSDAY, MAY 7, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, John in his third epistle wrote, "I have no greater joy than that my children walk in truth." Our children didn't come with a "how to raise them" kit. We make a lot of mistakes with them. Grant to us the wisdom to know how to make our world a safe and happy place for our children. Give to us courage to set an example we would want them to follow. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

CONCURRENT RESOLUTIONS

Senator Westfall offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 44

WHEREAS, Japan's policies to restrict market access have perpetuated chronic and seemingly intractable trade deficit with the United States for more than three decades; and

WHEREAS, for many years, the United States Trade Representative has reported in the National Trade Estimate Report on numerous barriers to United States exports in the Japanese market; and

WHEREAS, the World Trade Organization agreements do not provide a current basis to address the systematic Japanese barriers to the United States exports; and

WHEREAS, the United States Trade Representative has been engaged for several years in an intensive investigation of the Japanese distribution system and its impact on United States exports; and

WHEREAS, Japan's denial of unrestricted market access to United States exports through its closed distribution system injures companies and workers in this state;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the Eighty-ninth General Assembly, Second Regular Session, the Missouri House of Representatives concurring therein, that the federal government take all necessary and appropriate action to ensure that Japan establishes and maintains an open and competitive market for United States exports; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to send a copy of this resolution to the Missouri delegation in the United States House of Representatives and the United States Senate, the Secretary of the United States Department of Commerce and the President of the United States.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1052**: Representatives: Ford, Reynolds, Daniels (41), Richardson and Wannenmacher.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 26**.

HOUSE CONCURRENT RESOLUTION NO. 26

WHEREAS, James Patrick Mulvaney richly deserves a special tribute for his commitment and hard work for the rights of, and services for, the mentally disabled citizens of Missouri, as well as, for his long distinguished career of public service; and

WHEREAS, Jim Mulvaney's political life began when he was elected Alderman for Flordell Hills in St. Louis County, where he served for six years; and

WHEREAS, Jim was elected to the House of Representatives in 1966 and was reelected for four more terms; and during his tenure as a legislator, Jim's extraordinary service as chairman of the Consumer Protection Committee and as a member of the Judiciary and Workmen's Committees earned him recognition from the St. Louis Globe-Democrat with the award for Meritorious Public Service; and

WHEREAS, the St. Louis State School and Hospital has been a significant part of Jim's life as he worked tirelessly with the St. Louis State School and Hospital's Parents Association and the Department of Mental Health to pass mental health legislation, obtain additional funding for mental health facilities and improve the St. Louis State School and Hospital; and

WHEREAS, in 1973 Jim sponsored the milestone legislation, House Bill 474, which required public schools to provide to all handicapped and severely handicapped children up to twenty-one years of age, as an integral part of Missouri's system of gratuitous education, special educational services sufficient to meet the needs and maximize the capabilities of handicapped and severely handicapped children; and

WHEREAS, Governor Christopher S. Bond appointed Jim to the Public Service Commission in 1975 and in 1977, Governor Joseph P. Teasdale named him Chairman of the Commission, where his service on the Commission earned him recognition as "Champion of the Little Guys"; and

WHEREAS, in 1978, Jim was selected by President Jimmy Carter to work for the United States Department of Labor in Kansas City where he was instrumental in developing the Job Corps program, that provides job training for underprivileged youth; and

WHEREAS, since 1981 Jim has been employed as a lobbyist, first for the Bi-State Transit System and more recently as an independent lobbyist working for several health management organizations and the Missouri Credit Union League; and

WHEREAS, James P. Mulvaney has positively touched the lives of countless Missourians through his long tenure of public service:

NOW, THEREFORE, BE IT RESOLVED, that in tribute and respect for Jim's efforts on behalf of the mentally disabled citizens of Missouri, the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, Second Regular Session, the Senate concurring therein, hereby declare that the Christy Apartment Building of the Bellefontaine Habilitation Center located at 10695 Bellefontaine Road, St. Louis, Missouri, shall hereinafter be known as the James P. Mulvaney Apartments; and

BE IT FURTHER RESOLVED that the Office of Administration shall be instructed to make appropriate changes to all printed materials and signs to reflect this action in commemoration of this great Missourian; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Office of Administration, the Department of Mental Health and James P. Mulvaney.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HBs 1681** and **1342**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HS** for **HCS** for **HB 1095**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1009** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1009**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1010** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1010**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HB 1161**, as amended: Representatives: Wiggins, Relford, Ransdall, Crawford and Howerton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 761**, entitled:

An Act to repeal sections 169.322 and 169.350, RSMo 1994, and sections 169.270, 169.291, 169.324, 169.326, 169.328 and 169.597, RSMo Supp. 1997, relating to certain school retirement systems, and to enact in lieu thereof eight new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 722**, entitled:

An Act relating to the use of genetic information and testing and domestic violence status for insurance purposes, with penalty provisions.

With House Amendments Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 722, Page 1, In the Title, Line 2 of said page, by deleting the word "Relating" and inserting in lieu thereof the following: "To repeal section 595.105, RSMo 1994, and to enact in lieu thereof six new sections relating"; and

Further amend said bill, Page 1, Section 1, Line 7 of said page, by inserting before said line, the following:

"Section A. Section 595.105, RSMo 1994, is repealed and six new sections enacted in lieu thereof, to be known as sections 595.105, 1, 2, 3, 4 and 5, to read as follows:

595.105. Notwithstanding the provisions of subsection 1 of section 595.055 to the contrary, the director may allocate and distribute money in the fund to provide financial assistance to shelters for victims of domestic violence, **and agencies that provide domestic violence or sexual assault direct services, emergency services, crisis intervention and victim advocacy.**".

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 722, Page 8, Section 5, Line 21 of said page, by inserting after all of said lines the following:

"Section 6. Sections 6 to 15 of this act apply to all group and individual life insurance policies and certificates except:

- (1) Variable life insurance;**
- (2) Individual and group annuity contracts;**
- (3) Credit life insurance;**
- (4) Policies written by a company with less than twenty-five million dollars in annual direct written life insurance premiums;**
- (5) Life insurance policies with no illustrated death benefits on any individual exceeding ten thousand dollars;**
- (6) Life insurance policies containing guaranteed elements exclusively; or**
- (7) Single premium policies.**

Section 7. As used in sections 6 to 15 of this act, the following terms shall mean:

- (1) "Actuarial standards board", the board established by the American Academy of Actuaries to develop and promulgate standards of actuarial practice;**
- (2) "Contract premium", the gross premium that is required to be paid under a fixed premium policy, including the premium for a rider for which benefits are shown in the illustration;**

(3) "Currently payable scale", a scale of nonguaranteed elements in effect for a policy form as of the preparation date of the illustration or declared to become effective within the next ninety-five days;

(4) "Disciplined current scale", a scale of nonguaranteed elements constituting a limit on illustrations currently being illustrated by an insurer that is reasonably based on actual recent historical experience, as certified annually by an illustration actuary designated by the insurer. Further guidance in determining the disciplined current scale as contained in standards established by the actuarial standards board may be relied upon if the standards:

(a) Are consistent with sections 6 to 15 of this act;

(b) Limit a disciplined current scale to reflect only actions that have already been taken or events that have already occurred;

(c) Do not permit a disciplined current scale to include any projected trends of improvements in experience or any assumed improvements in experience beyond the illustration date; and

(d) Do not permit assumed expenses to be less than minimum assumed expenses;

(5) "Generic name", a short title descriptive of the policy being illustrated such as "whole life", "term life" or "flexible premium adjustable life";

(6) "Guaranteed elements", the premiums, benefits, values, credits or charges under a policy of life insurance that are guaranteed and determined at issue;

(7) "Illustrated scale", a scale of nonguaranteed elements currently being illustrated that is not more favorable to the policy owner than the lesser of:

(a) The disciplined current scale; or

(b) The currently payable scale;

(8) "Illustration", a presentation or depiction that includes nonguaranteed elements of a policy of life insurance over a period of years and that is one of the three types defined below:

(a) "Basic illustration", a ledger or proposal used in the sale of a life insurance policy that shows both guaranteed and nonguaranteed elements;

(b) "Supplemental illustration", an illustration furnished in addition to a basic illustration that meets the applicable requirements of sections 6 to 15 of this act, and that may be presented in a format differing from the basic illustration, but may only depict a scale of nonguaranteed elements that is permitted in a basic illustration;

(c) "In force illustration", an illustration furnished at any time after the policy that it depicts has been in force for one year or more;

(9) "Illustration actuary", an actuary meeting the requirements of section 14 of this act who certifies to illustrations based on the standard practice promulgated by the actuarial standards board;

(10) "Lapse-supported illustration", an illustration of a policy form failing the test of self-supporting illustration as defined in subdivision (16) of this section, under a modified persistency rate assumption using persistency rates underlying the disciplined current scale for the first five years and one hundred percent policy persistency thereafter;

(11) "Minimum assumed expenses", the minimum expenses that may be used in the calculation of the disciplined current scale for a policy form. The insurer may choose to designate each year the method of determining assumed expenses for all policy forms from the following:

(a) Fully allocated expenses;

(b) Marginal expenses; and

(c) A generally recognized expense table on fully allocated expenses representing a significant portion of insurance companies and approved by the National Association of Insurance Commissioners.

Marginal expenses may be used only if greater than a generally recognized expense table. If no generally recognized expense table is approved, fully allocated expenses shall be used;

(12) "Nonguaranteed elements", the premiums, benefits, values, credits or charges under a policy of life insurance that are not guaranteed or not determined at issue;

(13) "Nonterm group life", a group policy or individual policies of life insurance issued to members of an employer group or other permitted group where:

(a) Every plan of coverage was selected by the employer or other group representative;

(b) Some portion of the premium is paid by the group or through payroll deduction; and

(c) Group underwriting or simplified underwriting is used;

(14) "Policy owner", the owner named in the policy or the certificate holder in the case of a group policy;

(15) "Premium outlay", the amount of premium assumed to be paid by the policy owner or other premium payer out-of-pocket;

(16) "Self-supporting illustration", an illustration of a policy form for which it can be demonstrated that, when using experience assumptions underlying the disciplined current scale, for all illustrated points in time on or after the fifteenth policy anniversary or the twentieth policy anniversary for second-or-later-to-die policies, or upon policy expiration if sooner, the accumulated value of all policy cash flows equals or exceeds the total policy owner value available. For this purpose, policy owner value shall include cash surrender values and any other illustrated benefit amounts available at the policy owner's election.

Section 8. 1. Each insurer marketing policies to which sections 6 to 15 of this act are applicable shall notify the director of the department of insurance whether a policy form is to be marketed with or without an illustration. For all policy forms being actively marketed on August 28, 1998, the insurer shall identify in writing those forms and whether or not an illustration will be used with them. For policy forms filed after August 28, 1998, the identification shall be made at the time of filing. Any previous identification may be changed by notice to the director of the department of insurance.

2. If the insurer identifies a policy form as one to be marketed without an illustration, any use of an illustration for any policy using that form prior to the first policy anniversary is prohibited.

3. If a policy form is identified by the insurer as one to be marketed with an illustration, a basic illustration prepared and delivered in accordance with sections 6 to 15 of this act is required, except that a basic illustration need not be provided to individual members of a group or to individuals insured under multiple lives coverage issued to a single applicant unless the coverage is marketed to these individuals. The illustration furnished an applicant for a group life insurance policy or policies issued to a single applicant on multiple lives may be either an individual or composite illustration representative of the coverage on the lives of members of the group or the multiple lives covered.

4. Potential enrollees of nonterm group life subject to sections 6 to 15 of this act shall be furnished a quotation with the enrollment materials. The quotation shall show potential policy values for sample ages and policy years

on a guaranteed and nonguaranteed basis appropriate to the group and the coverage. This quotation shall not be considered an illustration for purposes of sections 6 to 15 of this act, but all information provided shall be consistent with the illustrated scale. A basic illustration shall be provided at delivery of the certificate to enrollees for nonterm group life who enroll for more than the minimum premium necessary to provide pure death benefit protection. In addition, the insurer shall make a basic illustration available to any nonterm group life enrollee who requests it.

Section 9. 1. An illustration used in the sale of a life insurance policy shall satisfy the applicable requirements of sections 6 to 15 of this act, be clearly labeled "life insurance illustration" and contain the following basic information:

- (1) Name of insurer;**
- (2) Name and business address of producer or insurer's authorized representative, if any;**
- (3) Name, age and sex of proposed insured, except where a composite illustration is permitted pursuant to sections 6 to 15 of this act;**
- (4) Underwriting or rating classification upon which the illustration is based;**
- (5) Generic name of policy, the company product name, if different, and form number;**
- (6) Initial death benefit; and**
- (7) Dividend option election or application of nonguaranteed elements, if applicable.**

2. When using an illustration in the sale of a life insurance policy, an insurer or its producers or other authorized representatives shall not:

- (1) Represent the policy as anything other than a life insurance policy;**
- (2) Use or describe nonguaranteed elements in a manner that is misleading or has the capacity or tendency to mislead;**
- (3) State or imply that the payment or amount of nonguaranteed elements is guaranteed;**
- (4) Use an illustration that does not comply with the requirements of sections 6 to 15 of this act;**
- (5) Use an illustration that at any policy duration depicts policy performance more favorable to the policy owner than that produced by the illustrated scale of the insurer whose policy is being illustrated;**
- (6) Provide an applicant with an incomplete illustration;**
- (7) Represent in any way that premium payments will not be required for each year of the policy in order to maintain the illustrated death benefits, unless that is the fact;**
- (8) Use the term "vanish" or "vanishing premium", or a similar term that implies the policy becomes paid up, to describe a plan for using nonguaranteed elements to pay a portion of future premiums;**
- (9) Except for policies that can never develop nonforfeiture values, use an illustration that is "lapse-supported"; or**
- (10) Use an illustration that is not "self-supporting".**

3. If an interest rate used to determine the illustrated nonguaranteed elements is shown, it shall not be greater than the earned interest rate underlying the disciplined current scale.

Section 10. 1. A basic illustration shall conform with the following requirements:

- (1) The illustration shall be labeled with the date on which it was prepared;**
- (2) Each page, including any explanatory notes or pages, shall be numbered and show its relationship to the total number of pages in the illustration;**
- (3) The assumed dates of payment receipt and benefit pay-out within a policy year shall be clearly identified;**
- (4) If the age of the proposed insured is shown as a component of the tabular detail, it shall be issue age plus the numbers of years the policy is assumed to have been in force;**
- (5) The assumed payments on which the illustrated benefits and values are based shall be identified as premium outlay or contract premium, as applicable. For policies that do not require a specific contract premium, the illustrated payments shall be identified as premium outlay;**
- (6) Guaranteed death benefits and values available upon surrender, if any, for the illustrated premium outlay or contract premium shall be shown and clearly labeled guaranteed;**
- (7) If the illustration shows any nonguaranteed elements, they cannot be based on a scale more favorable to the policy owner than the insurer's illustrated scale at any duration. These elements shall be clearly labeled nonguaranteed;**
- (8) The guaranteed elements, if any, shall be shown before corresponding nonguaranteed elements and shall be specifically referred to on any page of an illustration that shows or describes only the nonguaranteed elements;**
- (9) The account or accumulation value of a policy, if shown, shall be identified by the name this value is given in the policy being illustrated and shown in close proximity to the corresponding value available upon surrender;**
- (10) The value available upon surrender shall be identified by the name this value is given in the policy being illustrated and shall be the amount available to the policy owner in a lump sum after deduction of surrender charges, policy loans and policy loan interest as applicable;**
- (11) Illustrations may show policy benefits and values in graphic or chart form in addition to the tabular form;**
- (12) Any illustration of nonguaranteed elements shall be accompanied by a statement indicating that:**
 - (a) The benefits and values are not guaranteed;**
 - (b) The assumptions on which they are based subject to change by the insurer; and**
 - (c) Actual results may be more or less favorable;**
- (13) If the illustration shows that the premium payer may have the option to allow policy charges to be paid using nonguaranteed values, the illustration shall clearly disclose that a charge continues to be required and that, depending on actual results, the premium payer may need to continue or resume premium outlays. Similar disclosure shall be made for premium outlay of lesser amounts or shorter durations than the contract premium. If a contract premium is due, the premium outlay display shall not be left blank or show zero unless accompanied by an asterisk or similar mark to draw attention to the fact that the policy is not paid up;**
- (14) If the applicant plans to use dividends or policy values, guaranteed or nonguaranteed, to pay all or a portion of the contract premium or policy charges, or for any other purpose, the illustration may reflect those plans and the impact on future policy benefits and values.**

2. A basic illustration shall include the following:

- (1) A brief description of the policy being illustrated, including a statement that it is a life insurance policy;**
- (2) A brief description of the premium outlay or contract premium, as applicable, for the policy. For a policy that does not require payment of a specific contract premium, the illustration shall show the premium outlay that shall be paid to guarantee coverage for the term of the contract, subject to maximum premiums allowable to qualify as a life insurance policy pursuant to the applicable provisions of the Internal Revenue Code;**
- (3) A brief description of any policy features, riders or options, guaranteed or nonguaranteed, shown in the basic illustration and the impact they may have on the benefits and values of the policy;**
- (4) Identification and a brief definition of column headings and key terms used in the illustration; and**
- (5) A statement containing in substance the following: "This illustration assumes that the currently illustrated nonguaranteed elements will continue unchanged for all years shown. This is not likely to occur, and actual results may be more or less favorable than those shown.".**

3. Following the narrative summary, a basic illustration shall include a numeric summary of the death benefits and values and the premium outlay and contract premium, as applicable. For a policy that provides for a contract premium, the guaranteed death benefits and values shall be based on the contract premium. This summary shall be shown for at least policy years five, ten and twenty and at age seventy, if applicable, on the three bases shown in subdivisions (1) to (3) of this subsection. For multiple life policies the summary shall show policy years five, ten, twenty and thirty.

- (1) Policy guarantees;**
- (2) Insurer's illustrated scale;**
- (3) Insurer's illustrated scale used but with the nonguaranteed elements reduced as follows:**
 - (a) Dividends at fifty percent of the dividends contained in the illustrated scale used;**
 - (b) Nonguaranteed credited interest at rates that are the average of the guaranteed rates and the rates contained in the illustrated scale used; and**
 - (c) All nonguaranteed charges, including but not limited to, term insurance charges, mortality and expense charges, at rates that are the average of the guaranteed rates and the rates contained in the illustrated scale used.**

In addition, if coverage would cease prior to policy maturity or age one hundred, the year in which coverage ceases shall be identified for each of the three bases.

4. Statements substantially similar to the following shall be included on the same page as the numeric summary and signed by the applicant, or the policy owner in the case of an illustration provided at time of delivery, as required in sections 6 to 15 of this act:

- (1) A statement to be signed and dated by the applicant or policy owner reading as follows: "I have received a copy of this illustration and understand that any nonguaranteed elements illustrated are subject to change and could be either higher or lower. The agent has told me they are not guaranteed."; and**
- (2) A statement to be signed and dated by the insurance producer or other authorized representative of the insurer reading as follows: "I certify that this illustration has been presented to the applicant and that I have explained that any nonguaranteed elements illustrated are subject to change. I have made no statements that are inconsistent with the illustration.".**

5. (1) A basic illustration shall include the following for at least each policy year from one to ten and for every fifth policy thereafter ending at age one hundred, policy maturity or final expiration; and except for term

insurance beyond the twentieth year, for any year in which the premium outlay and contract premium, if applicable, is to change:

- (a) The premium outlay and mode the applicant plans to pay and the contract premium, as applicable;
- (b) The corresponding guaranteed death benefit, as provided in the policy; and
- (c) The corresponding guaranteed value available upon surrender, as provided in the policy.

(2) For a policy that provides for a contract premium, the guaranteed death benefit and value available upon surrender shall correspond to the contract premium.

(3) Nonguaranteed elements may be shown if described in the contract. In the case of an illustration for a policy on which the insurer intends to credit terminal dividends, they may be shown if the insurer's current practice is to pay terminal dividends. If any nonguaranteed elements are shown, they shall be shown at the same durations as the corresponding guaranteed elements, if any. If no guaranteed benefit or value is available at any duration for which a nonguaranteed benefit or value is shown, a zero shall be displayed in the guaranteed column.

Section 11. 1. A supplemental illustration may be provided so long as:

- (1) It is appended to, accompanied by or preceded by a basic illustration that complies with sections 6 to 15 of this act;
- (2) The nonguaranteed elements shown are not more favorable to the policy owner than the corresponding elements based on the scale used in the basic illustration;
- (3) It contains the same statement required of a basic illustration that nonguaranteed elements are not guaranteed; and
- (4) For a policy that has a contract premium, the contract premium underlying the supplemental illustration is equal to the contract premium shown in the basic illustration. For policies that do not require a contract premium, the premium outlay underlying the supplemental illustration shall be equal to the premium outlay shown in the basic illustration.

2. The supplemental illustration shall include a notice referring to the basic illustration for guaranteed elements and other important information.

Section 12. 1. (1) If a basic illustration is used by an insurance producer or other authorized representative of the insurer in the sale of a life insurance policy and the policy is applied for as illustrated, a copy of that illustration, signed in accordance with sections 6 to 15 of this act, shall be submitted to the insurer at the time of policy application. A copy also shall be provided to the applicant.

(2) If the policy is issued other than as applied for, a revised basic illustration conforming to the policy as issued shall be sent with the policy. The revised illustration shall conform to the requirements of sections 6 to 15 of this act, shall be labeled "Revised Illustration" and shall be signed and dated by the applicant or policy owner and producer or other authorized representative of the insurer no later than the time the policy is delivered. A copy shall be provided to the insurer and the policy owner.

2. (1) If no illustration is used by an insurance producer or other authorized representative in the sale of a life insurance policy or if the policy is applied for other than as illustrated, the producer or representative shall certify to that effect in writing on a form provided by the insurer. On the same form the applicant shall acknowledge that no illustration conforming to the policy applied for was provided and shall further acknowledge an understanding that an illustration conforming to the policy as issued will be provided no later than at the time of policy delivery. This form shall be submitted to the insurer at the time of policy application.

(2) If the policy is issued, a basic illustration conforming to the policy as issued shall be sent with the policy and signed no later than the time the policy is delivered. A copy shall be provided to the insurer and the policy owner.

3. If the basic illustration or revised illustration is sent to the applicant or policy owner by mail from the insurer, it shall include instructions for the applicant or policy owner to sign the duplicate copy of the numeric summary page of the illustration for the policy issued and return the signed copy to the insurer. The insurer's obligation pursuant to this subsection shall be satisfied if it can demonstrate that it has made a diligent effort to secure a signed copy of the numeric summary page. The requirement to make a diligent effort shall be deemed satisfied if the insurer includes in the mailing a self-addressed postage prepaid envelope with instructions for the return of the signed numeric summary page.

4. A copy of the basic illustration and a revised basic illustration, if any, signed as applicable, along with any certification that either no illustration was used or that the policy was applied for other than as illustrated, shall be retained by the insurer until three years after the policy is no longer in force. A copy need not be retained if no policy is issued.

Section 13. 1. In the case of a policy designated as one for which illustrations will be used, the insurer shall provide each policy owner with an annual report on the status of the policy that shall contain at least the following information:

(1) For universal life policies, the report shall include the following:

(a) The beginning and end date of the current report period;

(b) The policy value at the end of the previous report period and at the end of the current report period;

(c) The total amounts that have been credited or debited to the policy value during the current report period, identifying each by type (e.g., interest, mortality, expense and riders);

(d) The current death benefit at the end of the current report period on each life covered by the policy;

(e) The net cash surrender value of the policy as of the end of the current report period;

(f) The amount of outstanding loans, if any, as of the end of the current report period; and

(g) For fixed premium policies if, assuming guaranteed interest, mortality and expense loads and continued scheduled premium payments, the policy's net cash surrender value is such that it would not maintain insurance in force until the end of the next reporting period, a notice to this effect shall be included in the report; or

(h) For flexible premium policies if, assuming guaranteed interest, mortality and expense loads, the policy's net cash surrender value will not maintain insurance in force until the end of the next reporting period unless further premium payments are made, a notice to this effect shall be included in the report.

(2) For all other policies, where applicable:

(a) Current death benefit;

(b) Annual contract premium;

(c) Current cash surrender value;

(d) Current dividend;

(e) Application of current dividend; and

(f) Amount of outstanding loan.

(3) Insurers writing life insurance policies that do not build nonforfeiture values shall only be required to provide an annual report with respect to these policies for those years when a change has been made to nonguaranteed policy elements by the insurer.

2. If the annual report does not include an in-force illustration, it shall contain the following notice displayed prominently: "IMPORTANT POLICY OWNER NOTICE: You should consider requesting more detailed information about your policy to understand how it may perform in the future. You should not consider replacement of your policy or make changes in your coverage without requesting a current illustration. You may annually request, without charge, such an illustration by calling (insurer's phone number), writing to (insurer's name) at (insurer's address) or contacting your agent. If you do not receive a current illustration of your policy within thirty days from your request, you should contact your state insurance department." The insurer may vary the sequential order of the methods for obtaining an in-force illustration.

3. Upon the request of the policy owner, the insurer shall furnish an in-force illustration of current and future benefits and values based on the insurer's present illustrated scale. This illustration shall comply with the requirements of subsections 1 and 2 of section 9 of this act and subsections 1 and 5 of section 10 of this act. No signature or other acknowledgment of receipt of this illustration shall be required.

4. If an adverse change in nonguaranteed elements that could affect the policy has been made by the insurer since the last annual report, the annual report shall contain a notice of that fact and the nature of the change prominently displayed.

Section 14. 1. The board of directors of each insurer shall appoint one or more illustration actuaries.

2. The illustration actuary shall certify that the disciplined current scale used in illustrations is in conformity with the actuarial standard of practice for compliance with the NAIC model regulation of life insurance illustrations promulgated by the actuarial standards board, and that the illustrated scales used in insurer-authorized illustrations meet the requirements of sections 6 to 15 of this act.

3. The illustration actuary shall:

(1) Be a member in good standing of the American Academy of Actuaries;

(2) Be familiar with the standard of practice regarding life insurance policy illustrations;

(3) Not have been found by the director of the department of insurance, following appropriate notice and hearing to have:

(a) Violated any provision of, or any obligation imposed by, the insurance law or other law in the course of his or her dealings as an illustration actuary;

(b) Been found guilty of fraudulent or dishonest practices;

(c) Demonstrated his or her incompetence, lack of cooperation, or untrustworthiness to act as an illustration actuary; or

(d) Resigned or been removed as an illustration actuary within the past five years as a result of acts or omissions indicated in any adverse report on examination or as a result of a failure to adhere to generally acceptable actuarial standards;

(4) Not fail to notify the director of the department of insurance of any action taken by a commissioner or director of insurance of another state similar to that pursuant to subdivision (3) of this subsection;

(5) Disclose in the annual certification whether, since the last certification, a currently payable scale applicable

for business issued within the previous five years and within the scope of the certification has been reduced for reasons other than changes in the experience factors underlying the disciplined current scale. If nonguaranteed elements illustrated for new policies are not consistent with those illustrated for similar in-force policies, this shall be disclosed in the annual certification. If nonguaranteed elements illustrated for both new and in-force policies are not consistent with the nonguaranteed elements actually being paid, charged or credited to the same or similar forms, this shall be disclosed in the annual certification; and

(6) Disclose in the annual certification the method used to allocate overhead expenses for all illustrations:

(a) Fully allocated expenses;

(b) Marginal expenses; or

(c) A generally recognized expense table based on fully allocated expenses representing a significant portion of insurance companies and approved by the director of the department of insurance.

4. (1) The illustration actuary shall file a certification with the board and with the director of the department of insurance:

(a) Annually for all policy forms for which illustrations are used; and

(b) Before a new policy form is illustrated.

(2) If an error in a previous certification is discovered, the illustration actuary shall notify the board of directors of the insurer and the director of the department of insurance promptly.

5. If an illustration actuary is unable to certify the scale for any policy form illustration the insurer intends to use, the actuary shall notify the board of directors of the insurer and the director of the department of insurance promptly of his or her inability to certify.

6. A responsible officer of the insurer, other than the illustration actuary, shall certify annually:

(1) That the illustration formats meet the requirements of sections 6 to 15 of this act and that the scales used in insurer-authorized illustrations are those scales certified by the illustration actuary; and

(2) That the company has provided its agents with information about the expense allocation method used by the company in its illustrations and disclosed as required in subdivision (6) of subsection 3 of this section.

7. The annual certifications shall be provided to the director of the department of insurance each year by a date determined by the insurer.

8. If an insurer changes the illustration actuary responsible for all or a portion of the company's policy forms, the insurer shall notify the director of the department of insurance of that fact promptly and disclose the reason for the change.

Section 15. In addition to any other penalties provided by the laws of this state, an insurer or producer that violates a requirement of sections 6 to 15 of this act shall be guilty of an unfair trade practice pursuant to sections 375.930 to 375.948, RSMo.

Section 16. Sections 6 to 15 of this act shall only apply to policies governed by sections 6 to 15 of this act which are marketed after January 1, 1999."

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 722, Page 8, Line 21, by adding after said line all of the following:

"Be it enacted by the General Assembly of the state of Missouri, as follows:

Section 1. No state funds shall be used for research with respect to the cloning of a human person. For purposes of this section, the term "cloning" means the replication of a human person by taking a cell with genetic material and cultivating such cell through the egg, embryo, fetal and newborn stages of development into a new human person."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1011** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1011**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1012** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1012**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 675, 483, 490 and 564**, entitled:

An Act to repeal section 135.030, RSMo 1994, relating to an income tax credit for property taxes paid on a homestead, and to enact in lieu thereof two new sections relating to the same subject, with an expiration date for a certain section.

With House Substitute Amendment No. 1 for House Amendment No. 2, House Substitute Amendment No. 1 for House Amendment No. 3, House Amendments Nos. 4 and 5.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR

HOUSE AMENDMENT NO. 2

Amend House Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 675, 483, 490 and 564, Page 2, Section 135.030, Line 7 of said page by deleting the number "**twenty-three**" and inserting in lieu thereof the number "**twenty-five**"; and

Further amend said substitute, Page 3, Section 135.030, Lines 1 and 2 of said page, by deleting the number "**twelve thousand eight hundred**" and inserting in lieu thereof the number "**thirteen thousand**"; and

Further amend said substitute, Page 5, Section 135.032, Line 14 of said page, by deleting the number "**sixty**" and inserting in lieu thereof the number "**seventy**"; and

Further amend said substitute, Page 5, Section 135.032, Line 16 of said page, by deleting the number "**twenty-five**" and inserting in lieu thereof the number "**thirty-five**".

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR

HOUSE AMENDMENT NO. 3

Amend House Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 675, 483, 490 and 564, Page 1, Lines 3 and 4 of the Title, by deleting all of said lines and inserting

in lieu thereof the following: "relating solely to broad-based income tax credits based upon property taxes paid on a homestead and dependency deductions, and to enact in"; and

Further amend said substitute, Page 9, Section 135.032, Line 9 of said page, by inserting after said line the following:

"143.161. 1. A resident may deduct [four] **one thousand two** hundred dollars for each dependent for whom [he] **such resident** is entitled to a dependency exemption deduction for federal income tax purposes. **In the case of a dependent who is not residing in a facility qualified to receive federal or state funding and who has attained sixty-five years of age on or before the last day of the taxable year, the taxpayer may deduct an additional one thousand dollars.**

2. A resident who qualifies as an unmarried head of household or as a surviving spouse for federal income tax purposes may deduct an additional eight hundred dollars.

3. This section shall become effective January 1, 1999, and shall apply to all taxable years beginning after December 31, 1998."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 675, 483, 490 and 564, page 9, Section 135.032, Line 9 of said page by inserting after said line the following:

"Section 1. The dependency deduction amount authorized under the provisions of section 143.161, RSMo, shall be adjusted annually by the percentage change in the consumer price index for urban consumers."

HOUSE AMENDMENT NO. 5

Amend House Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 675, 483, 490 and 564, Page 9, Section 135.032, Lines 8 and 9, by deleting all of said lines.

In which the concurrence of the Senate is respectfully requested.

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

PRIVILEGED MOTIONS

Senator Staples moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HBs 1681** and **1342**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Howard moved that the Senate return **SB 945**, with **HA 1**, to the House for the purpose of adopting the emergency clause, which motion prevailed.

Senator Johnson moved that the Senate refuse to concur in **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 675, 483, 490** and **564**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1161**, as amended: Senators Goode, Jacob, Maxwell, Childers and Ehlmann.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HBs 1681** and **1342**, as amended: Senators Staples, McKenna, Mathewson, Mueller and Flotron.

Senator Johnson assumed the Chair.

PRIVILEGED MOTIONS

Senator McKenna moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HCS** for **HB 1095**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 1095**, as amended: Senators McKenna, Scott, Mathewson, Ehlmann and Childers.

President Pro Tem McKenna assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1002**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL NO. 1002

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1002, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1002, and that the House recede from its position on House Committee Substitute for House Bill No. 1002, and the Conference Committee Substitute for House Bill No. 1002, be adopted.

FOR THE SENATE:

/s/ Mike Lybyer
/s/ Harry Wiggins
/s/ Wayne Goode
/s/ John T. Russell
/s/ Marvin Singleton

FOR THE HOUSE:

/s/ Dick Franklin
/s/ Deleta Williams
/s/ Scott B. Lakin
/s/ Sandra D. Kauffman
/s/ Ken Legan

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House

Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators--None

On motion of Senator Lybyer, **CCS** for **HB 1002**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR HOUSE BILL NO. 1002An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 1998 and ending June 30, 1999.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1003**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL No. 1003

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No.1003, begs leave to report that we, after open,

free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No.1003, and that the House recede from its position on House Committee Substitute for House Bill No.1003, and the Conference Committee Substitute for House Bill No.1003, be adopted.

FOR THE SENATE:

/s/ Mike Lybyer
/s/ Harry Wiggins
/s/ Wayne Goode
/s/ John T. Russell
/s/ Marvin Singleton

FOR THE HOUSE:

/s/ Dick Franklin
/s/ Deleta Williams
/s/ Scott B. Lakin
/s/ Bonnie Sue Cooper
/s/ Sandra D. Kauffman

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

On motion of Senator Lybyer, **CCS** for **HB 1003**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE BILL No. 1003An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1998 and ending June 30, 1999.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott

Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1004**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL No. 1004Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1004, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1004, and that the House recede from its position on House Committee Substitute for House Bill No. 1004, and the Conference Committee Substitute for House Bill No. 1004, be adopted.

FOR THE SENATE:

/s/ Mike Lybyer
 /s/ Harry Wiggins
 /s/ Wayne Goode
 /s/ John T. Russell
 /s/ Marvin Singleton

FOR THE HOUSE:

/s/ Dick Franklin
 /s/ Deleta Williams
 /s/ Timothy P. Green
 /s/ Chuck Gross
 /s/ Ken Legan

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Lybyer, **CCS** for **HB 1004**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE BILL No. 1004

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1998 and ending June 30, 1999.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Flotron Russell--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Johnson announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1005**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL No. 1005Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1005, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1005, and that the House recede from its position on House Committee Substitute for House Bill No. 1005, and the Conference Committee Substitute for House Bill No. 1005, be adopted.

FOR THE SENATE:

/s/ Mike Lybyer

FOR THE HOUSE:

/s/ Dick Franklin

/s/ Harry Wiggins
/s/ Wayne Goode
/s/ John T. Russell
/s/ Marvin Singleton

/s/ Deleta Williams
/s/ Timothy P. Green
/s/ Chuck Gross
/s/ Chuck Wooten

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Lybyer, **CCS** for **HB 1005**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE BILL No. 1005An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1998 and ending June 30, 1999.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1006**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL No. 1006Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1006, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1006, and that the House recede from its position on House Committee Substitute for House Bill No. 1006, and the Conference Committee Substitute for House Bill No. 1006, be adopted.

FOR THE SENATE:

/s/ Mike Lybyer
/s/ Harry Wiggins
/s/ Wayne Goode
/s/ John T. Russell
/s/ Marvin Singleton

FOR THE HOUSE:

/s/ Dick Franklin
/s/ Deleta Williams
/s/ May Scheve
/s/ Bonnie Sue Cooper
/s/ Jim Graham

Senator Lybyer submitted a technical correction to **CCS** for **SCS** for **HCS** for **HB 1006**:

TECHNICAL CORRECTION TO CCS FOR

SCS FOR HCS FOR HB 1006:

The following section was inadvertently omitted from CCS for SCS for HCS for HB 1006

Section 6.321. To the Department of Natural Resources

There is transferred from the State Treasury to the

Natural Resources Protection Fund-Water

Pollution Permit Fee Subaccount, One Million,

Four Hundred Thousand Dollars (\$1,400,000)

From General Revenue Fund.....\$ 1,400,000

FOR THE SENATE:

/s/ Mike Lybyer
/s/ Harry Wiggins
/s/ Wayne Goode
/s/ John T. Russell

FOR THE HOUSE:

/s/ Dick Franklin
/s/ Deleta Williams
/s/ May Scheve
/s/ Bonnie Sue Cooper

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
McKenna	Quick	Rohrbach--3	
	Absent with leave--Senators--None		

Senator Wiggins assumed the Chair.

On motion of Senator Lybyer, **CCS** for **HB 1006**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL No. 1006

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1998 and ending June 30, 1999.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
McKenna	Quick--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1007**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL No. 1007

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1007, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1007, and that the House recede from its position on House Committee Substitute for House Bill No. 1007, and the Conference Committee Substitute for House Bill No. 1007, be adopted.

FOR THE SENATE:

/s/ Mike Lybyer
/s/ Harry Wiggins
/s/ Wayne Goode
/s/ John T. Russell
/s/ Marvin Singleton

FOR THE HOUSE:

/s/ Dick Franklin
/s/ Deleta Williams
/s/ May Scheve
/s/ Bonnie Sue Cooper
/s/ Emmy McClelland

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

McKenna Quick--2

Absent with leave--Senators--None

On motion of Senator Lybyer, **CCS** for **HB 1007**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE BILL No. 1007

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1998 and ending June 30, 1999.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bentley	McKenna	Quick--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1008**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL No. 1008

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1008, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1008, and that the House recede from its position on House Committee Substitute for House Bill No. 1008, and the Conference Committee Substitute for House Bill No. 1008, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer /s/ Dick Franklin

/s/ Harry Wiggins /s/ Deleta Williams

/s/ Wayne Goode /s/ Scott B. Lakin

/s/ John T. Russell /s/ Bonnie Sue Cooper

/s/ Marvin Singleton /s/ Gary Burton

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
McKenna	Quick--2		
	Absent with leave--Senators--None		

On motion of Senator Lybyer, **CCS** for **HB 1008**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE BILL No. 1008

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1998 and ending June 30, 1999.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
McKenna	Quick--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1009**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL No. 1009

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1009, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1009, and that the House recede from its position on House Committee Substitute for House Bill No. 1009, and the Conference Committee Substitute for House Bill No. 1009, be adopted.

FOR THE SENATE:

/s/ Mike Lybyer
/s/ Harry Wiggins
/s/ Wayne Goode
/s/ John T. Russell
/s/ Marvin Singleton

FOR THE HOUSE:

/s/ Dick Franklin
/s/ Deleta Williams
/s/ Charles Q. Troupe
/s/ Pat Kelley
/s/ Mary C. Kasten

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Lybyer	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Klarich--1		
	Absent--Senators		
McKenna	Quick	Schneider--3	
	Absent with leave--Senators--None		

On motion of Senator Lybyer, **CCS** for **HB 1009**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL No. 1009

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution

of Missouri, for the period beginning July 1, 1998 and ending June 30, 1999.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
McKenna	Quick--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1010**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL No. 1010

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1010, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1010, and that the House recede from its position on House Committee Substitute for House Bill No. 1010, and the Conference Committee Substitute for House Bill No. 1010, be adopted.

FOR THE SENATE:

/s/ Mike Lybyer
/s/ Harry Wiggins
/s/ Wayne Goode
/s/ John T. Russell
/s/ Marvin Singleton

FOR THE HOUSE:

/s/ Dick Franklin
/s/ Paula J. Carter
/s/ Mike Schilling
/s/ Charlie Shields
/s/ Gary Burton

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kinder	Lybyer	Mathewson
Maxwell	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Childers	Graves	Kenney	Klarich--4
Absent--Senators			
McKenna	Quick--2		
Absent with leave--Senators--None			

On motion of Senator Lybyer, **CCS** for **HB 1010**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL No. 1010

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1998 and ending June 30, 1999.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kinder	Lybyer	Mathewson
Maxwell	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Graves	Kenney	Klarich--3	
Absent--Senators			
Curls	McKenna	Quick--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS**

for **HCS** for **HB 1011**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL No. 1011

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1011, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1011, and that the House recede from its position on House Committee Substitute for House Bill No. 1011, and the Conference Committee Substitute for House Bill No. 1011, be adopted.

FOR THE SENATE:

/s/ Mike Lybyer
/s/ Wayne Goode
/s/ Joe Maxwell
/s/ John T. Russell
/s/ Marvin Singleton

FOR THE HOUSE:

/s/ Dick Franklin
/s/ Deleta Williams
/s/ Charles Q. Troupe
Pat Kelley
Rich Chrismer

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kinder	Lybyer
Mathewson	Maxwell	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins--27	

NAYS--Senators

Flotron	Kenney	Klarich	Mueller
Yeckel--5			

Absent--Senators

McKenna

Quick--2

Absent with leave--Senators--None

On motion of Senator Lybyer, **CCS** for **HB 1011**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE BILL No. 1011

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1998 and ending June 30, 1999.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kinder	Lybyer
Mathewson	Maxwell	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins--28
	NAYS--Senators		
Flotron	Kenney	Klarich	Yeckel--4
	Absent--Senators		
McKenna	Quick--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1012**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL No. 1012

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1012, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1012, and that the House recede from its position on House Committee Substitute for House Bill No. 1012, and the Conference Committee Substitute for House Bill No. 1012, be adopted.

FOR THE SENATE:

/s/ Mike Lybyer
/s/ Harry Wiggins
/s/ Wayne Goode
/s/ John T. Russell
/s/ Marvin Singleton

FOR THE HOUSE:

/s/ Dick Franklin
/s/ Timothy P. Green
/s/ Scott B. Lakin
/s/ Gary Burton
/s/ Ken Legan

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Scott
Sims	Singleton	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Caskey--1

Absent--Senators

McKenna	Quick	Schneider	Staples--4
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Absent with leave--Senators--None

On motion of Senator Lybyer, **CCS** for **HB 1012**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE BILL No. 1012

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees established by the General Assembly, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1998 and ending June 30, 1999.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

NAYS--Senator Caskey--1

Absent--Senators

McKenna	Quick	Schneider--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1013** , with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 1021**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1021, Page 6, Section 21.090, by inserting immediately after said section the following new section:

"Section 21.092. To the Department of Natural Resources

For the Division of State Parks

For the purpose of funding Parks and Historic

Sites

Expense and Equipment - For new equipment only

Representing expenditures originally authorized

under the provisions of House Bill Section

6.235, an Act of the 89th General Assembly,

First Regular Session

From State Parks and Earnings Fund.....\$ 214,614"

and further amend said bill, page 12, section 21.180, by inserting immediately after said section the following new sections:

"Section 21.182. To the Department of Public Safety

For the State Highway Patrol

For the purpose of funding the purchase of

vehicles for the State Highway Patrol and

Gaming Commission

Expense and Equipment

Representing expenditures originally authorized

under the provisions of House Bill Section
8.105, an Act of the 89th General Assembly,
First Regular Session

From State Highways and Transportation Department Fund.....\$ 745,000

From Gaming Commission Fund 37,250

Total\$ 782,250

Section 21.183. To the Department of Public Safety

For the State Highway Patrol

For the purpose of funding the purchase of

vehicles for the State Highway Patrol and

Gaming Commission

Expense and Equipment

Representing expenditures originally authorized

under the provisions of House Bill Section

14.080, an Act of the 89th General Assembly,

Second Regular Session

From Gaming Commission Fund.....\$ 391,125"

and further amend said bill, page 14, section 21.220 by inserting immediately after said section the following new
section:

"Section 21.222. To the Department of Health

For the Division of Maternal, Child and Family Health

1. For the purpose of funding alternatives to abortion services as follows: prenatal care, medical care, parenting skills, drug and alcohol testing and treatment, child care, newborn or infant care, alternative housing, alternative schooling, adoption assistance, job training and placement, efforts to promote responsible paternity, ultrasound services, case management for pregnancy maintenance, domestic abuse protection and transportation, such services to be for women only during their pregnancy and continuing for one year thereafter, excluding any service of the types described in section 20.685, (House Bill 20, 89th General Assembly, First Extraordinary Session), provided that none of these funds may be expended for the purpose of performing, assisting or encouraging abortion and further provided that none of these funds may be expended to directly or indirectly subsidize abortion services or administrative expenses, as verified by independent audit, and none of these funds may be granted to organizations or affiliates of organizations which provide or promote abortions.
2. If any provision of subsection 1 of this section is held invalid, then this appropriation shall be in accordance with subsection 3, otherwise subsection 3 shall have no effect.

3. For the purpose of funding alternatives to abortion services provided directly by the department of health or provided directly by government agencies through contractual agreement with the department, as follows: prenatal care, medical care, parenting skills, drug and alcohol testing and treatment, child care, newborn or infant care, alternative housing, alternative schooling, adoption assistance, job training and placement, efforts to promote responsible paternity, ultrasound services, case management for pregnancy maintenance, domestic abuse protection and transportation, such services to be for women only during their pregnancy and continuing for one year thereafter, excluding any service of the types described in section 20.685, (House Bill 20, 89th General Assembly, First Extraordinary Session), provided that none of these funds may be expended for the purpose of encouraging abortion.

Representing expenditures originally authorized

under the provisions of House Bill Section

20.690, an Act of the 89th General Assembly,

First Extraordinary Session

From General Revenue Fund.....\$ 300,000".

HOUSE BILLS ON THIRD READING

Senator Flotron moved that **HCS** for **HB 1189**, as amended, be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Flotron requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Flotron offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1189, Pages 1 and 2, Section 408.500, Lines 1-25, by striking said section.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Flotron, **HCS** for **HB 1189**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Sims	Staples	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Lybyer	McKenna	Quick	Scott
Singleton--5			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

HB 1683, with **SCS**, introduced by Representatives Fitzwater and McClelland, entitled:

An Act to repeal sections 162.955, 162.961 and 162.963, RSMo Supp. 1997, relating to alternative education placement hearings, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Bentley.

SCS for **HB 1683**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1683

An Act to repeal section 167.280, RSMo 1994, and sections 162.955, 162.961 and 162.963, RSMo Supp. 1997, relating to school age children, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Bentley moved that **SCS** for **HB 1683** be adopted.

Senator Wiggins assumed the Chair.

At the request of Senator Bentley, the motion to adopt **SCS** for **HB 1683** was withdrawn.

HB 1080, with **SCA 1**, introduced by Representative Auer, entitled:

An Act to repeal sections 379.883 and 379.888, RSMo 1994, relating to commercial casualty insurance, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator House.

SCA 1 was taken up.

Senator House moved that the above amendment be adopted, which motion prevailed.

On motion of Senator House, **HB 1080**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Curls	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Schneider
Scott	Sims	Singleton	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Bentley moved that **HB 1683**, with **SCS**, be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HB 1683** was again taken up.

Senator Bentley moved that **SCS** for **HB 1683** be adopted.

Senator Caskey requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1683, Page 6, Section 167.104, Line 1, by inserting immediately after "created" the following: "**, subject to appropriation,**"; and

Further amend said bill, page 7, section 167.267, line 1, by inserting immediately after "established" the following: "**, subject to appropriation,**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Bentley moved that **SCS** for **HB 1683**, as amended, be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS** for **HB 1683**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Flotron	Goode	House
Howard	Jacob	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Schneider	Sims	Singleton	Westfall
Wiggins	Yeckel--26		
NAYS--Senators			
Graves	Kinder--2		
Absent--Senators			
Clay	Curls	Ehlmann	Russell
Scott	Staples--6		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 1055, with **SCS**, introduced by Representative Thomason, entitled:

An Act relating solely to franchises and other agreements between motorcycle dealers and motorcycle manufacturers.

Was called from the Consent Calendar and taken up by Senator Howard.

SCS for **HB 1055**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1055

An Act to repeal section 407.835, RSMo Supp. 1997, relating to certain franchises and other agreements, and to enact in lieu thereof ten new sections relating to the same subject.

Was taken up.

Senator Howard moved that **SCS** for **HB 1055** be adopted.

Senator Howard requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Howard offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1055, Page 1, Section A, Line 3, by inserting after all of said line the following:

"407.815. As used in sections 407.810 to 407.835, unless the context otherwise requires, the following terms mean:

(1) "Administrative hearing commission", the body established in chapter 621, RSMo, to conduct administrative hearings;

(2) "**All-terrain vehicle**", **any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of six hundred pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control;**

[(2)] (3) "Coerce", to force a person to act in a given manner or to compel by pressure or threat but shall not be construed to include the following:

(a) Good faith recommendations, exposition, argument, persuasion or attempts at persuasion;

(b) Notice given in good faith to any franchisee of such franchisee's violation of terms or provisions of such franchise or contractual agreement;

(c) Any other conduct set forth in section 407.830 as a defense to an action brought pursuant to sections 407.810 to 407.835; or

(d) Any other conduct set forth in sections 407.810 to 407.835 that is permitted of the franchisor or is expressly excluded from coercion or a violation of sections 407.810 to 407.835;

[(3)] (4) "Franchise", a written arrangement or contract for a definite or indefinite period, in which a person grants to another person a license to use, or the right to grant to others a license to use, a trade name, trademark, service mark, or related characteristics, in which there is a community of interest in the marketing of goods or services, or both, at wholesale or retail, by agreement, lease or otherwise, and in which the operation of the franchisee's business with respect to such franchise is substantially reliant on the franchisor for the continued supply of franchised new motor vehicles, parts and accessories for sale at wholesale or retail;

[(4)] (5) "Franchisee", a person to whom a franchise is granted;

[(5)] (6) "Franchisor", a person who grants a franchise to another person;

[(6)] (7) "Motor vehicle", any motor driven vehicle required to be registered pursuant to the provisions of chapter 301, RSMo, except that, motorcycles **and all-terrain vehicles** as defined in section 301.010, RSMo, shall not be included;

[(7)] (8) "New", when referring to motor vehicles or parts, means those motor vehicles or parts which have not been held except as inventory, as that term is defined in subdivision (4) of section 400.9-109, RSMo;

[(8)] (9) "Person", a sole proprietor, partnership, corporation, or any other form of business organization."; and

Further amend the title and enacting clause accordingly, which motion prevailed.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Howard moved that **SCS** for **HB 1055**, as amended, be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **HB 1055**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
DePasco	Flotron	Goode	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Graves--1

Absent--Senators

Clay	Curls	Ehlmann	Russell--4
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Peggy D. Loman and Roger D. Young, as members of the Committee for 911 Service Oversight;

Also,

Atkins W. Warren, as public member of the Committee for 911 Service Oversight;

Also,

Carl Michael Greenwell and Donald L. Gann, as members of the Missouri Ethics Commission;

Also,

Rainey J. Crawford, Paula "Polly" O'Brien and Richard H. Dahl, as members of the Missouri Investment Trust Board of Trustees;

Also,

Davis D. Minton and Thomas A. Herrmann, as members of the Clean Water Commission;

Also,

John A. Birch, as Chairman of the State Board of Mediation;

Also,

Mary Lynn Watkins, as a member of the Missouri Western State College Board of Regents;

Also,

Janet S. Marriott, as a member of the Northwest Missouri State University Board of Regents;

Also,

James F. Summers, Jr. and Mary Joan Wood, as members of the Coordinating Board for Higher Education;

Also,

Margie L. Dyer, as public member of the Low-level Radioactive Waste Compact Advisory Committee;

Also,

A. Sam Burton and Thomas Eugene Whelan, as members of the Children's Trust Fund Board;

Also,

John C. Tlapek, as a member of the Southeast Missouri State University Board of Regents;

Also,

Laurie Winterscheidt Hiler, as a member of the Mississippi River Parkway Commission;

Also,

Ida H. Early, Roger B. Wilson, Jolene M. Schulz and Russell E. McCampbell, as members of the Missouri Community Service Commission;

Also,

Kathy M. Crow, as a member of the Drug Utilization Review Board;

Also,

Lewis Glendon Ullery, as a member of the Missouri Gaming Commission;

Also,

Barry E. McKay, Jill Ann Miller, Nancy Pope and Mark V. Schimweg, as members of the Child Abuse and Neglect Review Board;

Also,

Edward B. Rucker, as a member of the Public Defender Commission;

Also,

Mark D. Jackson, as a member of the Missouri Board for Respiratory Care;

Also,

Gerald T. Brouder, as a member of the Midwestern Higher Education Commission;

Also,

Frank A. Farmer and Barry M. Kayes, as members of the Air Conservation Commission;

Also,

Benedict K. Zobrist, as a member of the State Historical Records Advisory Board.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1300** and has again taken up and passed **HB 1300**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1113** and has again taken up and passed **HB 1113**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HB 1410** and has taken up and passed **HB 1410**, as amended by the conference committee report.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **HCS** for **SB 778** and requests a further conference on **HCS** for **SB 778**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1556** and has again taken up and passed **SCS** for **HB 1556**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1385** and has again taken up and passed **SCS** for **HB 1385**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1622** and has again taken up and passed **HB 1622**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 675, 483, 490 and 564**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 1918** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon, and the conferees be allowed to exceed differences.

RESOLUTIONS

Senators Westfall, Jacob, Howard, Kinder, Johnson, Mathewson, Graves, Bentley, Sims and Lybyer offered Senate Resolution No. 1859, regarding Roger L. Mitchell, Ph.D., which was adopted.

Senator Yeckel offered Senate Resolution No. 1860, regarding Nancy "Carole" Myers, High Ridge, which was adopted.

Senator Jacob offered Senate Resolution No. 1861, regarding Betty Jane Jacobs Aufranc, Columbia, which was adopted.

Senator Graves offered Senate Resolution No. 1862, regarding Manuel David Palmeiro, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 1863, regarding the One Hundredth Birthday of May Dodson, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 1864, regarding the One Hundred Twenty-fifth Anniversary of the City of Purdin, which was adopted.

Senator Graves offered Senate Resolution No. 1865, regarding Jean McCall, Mound City, which was adopted.

Senator Klarich offered Senate Resolution No. 1866, regarding Kenneth Beese, St. Louis, which was adopted.

Senator Staples offered Senate Resolution No. 1867, regarding Charlotte Kelly, Park Hills, which was adopted.

Senator Staples offered Senate Resolution No. 1868, regarding Richard M. Secor, D.O., Desloge, which was adopted.

Senator Staples offered Senate Resolution No. 1869, regarding Cecilia Escamilla, St. Louis, which was adopted.

Senator Childers offered Senate Resolution No. 1870, regarding Trisha Sparnicht, Ava, which was adopted.

Senator Singleton offered Senate Resolution No. 1871, regarding Whitney Wells, which was adopted.

On motion of Senator Quick, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Johnson.

PRIVILEGED MOTIONS

Senator Caskey moved that **SCS** for **HCS** for **HB 1469**, with **HPA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HPA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bentley	Curls	Scott	Singleton--4
Absent with leave--Senators--None			

Senator Staples assumed the Chair.

Senator Caskey moved that **SCS** for **HCS** for **HB 1469**, as amended by **HPA 1**, be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **HCS** for **HB 1469**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode

Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Banks--1		
	Absent--Senators		
Curls	Singleton--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on **HB 1239**, as amended, submitted the following conference committee report:CONFERENCE COMMITTEE REPORT ON

HOUSE BILL NO. 1239

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Bill No. 1239, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Amendment No. 1, Senate Amendment No. 2 and Senate Amendment No. 3;
2. That the Senate recede from its position on Senate Substitute Amendment No. 1 for Senate Amendment No. 4, as amended.
3. That House Bill No. 1239, with Senate Amendment No. 1, Senate Amendment No. 2 and Senate Amendment No. 3 be Third Read and Finally Passed.

FOR THE SENATE:

/s/ Harold Caskey
/s/ Morris Westfall
/s/ Betty Sims
/s/ Ronnie DePasco
/s/ Jim Mathewson

FOR THE HOUSE:

/s/ Kelly Parker
/s/ Craig Hosmer
/s/ Ralph A. Monaco
/s/ Jon Dolan
/s/ Mark L. Richardson

Senator Caskey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Caskey	Childers	Clay
DePasco	Flotron	Goode	Howard
Jacob	Johnson	Kinder	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--26		
	NAYS--Senators		
Ehlmann	Graves	House	Kenney
Klarich	Rohrbach--6		
	Absent--Senators		
Bentley	Curls--2		
	Absent with leave--Senators--None		

Having voted on the prevailing side, Senator Schneider moved that the vote by which the conference committee report on **HB 1239** was adopted be reconsidered, which motion failed by the following vote:

	YEAS--Senators		
Ehlmann	Flotron	Goode	House
Jacob	Johnson	Kenney	Kinder
Klarich	Mueller	Rohrbach	Schneider
Wiggins	Yeckel--14		
	NAYS--Senators		
Banks	Caskey	Childers	Clay
DePasco	Howard	Lybyer	Mathewson
McKenna	Quick	Russell	Scott
Sims	Singleton	Staples	Westfall--16
	Absent--Senators		
Bentley	Curls	Graves	Maxwell--4
	Absent with leave--Senators--None		

Senator Caskey moved that **HB 1239**, as amended, be 3rd read and finally passed, which motion failed to receive a constitutional majority by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	DePasco
Graves	Howard	Lybyer	Mathewson
Russell	Scott	Sims	Singleton
Staples	Westfall	Yeckel--15	
	NAYS--Senators		
Banks	Clay	Ehlmann	Flotron
House	Jacob	Johnson	Kenney
Kinder	Klarich	McKenna	Mueller
Quick	Rohrbach	Schneider	Wiggins--16
	Absent--Senators		
Curls	Goode	Maxwell--3	
	Absent with leave--Senators--None		

BILL REFERRALS

President Pro Tem McKenna referred **HCS** for **HB 1891** to the Committee on State Budget Control.

HOUSE BILLS ON THIRD READING

Senator McKenna moved that **HJR 39**, with **SS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator McKenna, **SS** for **HJR 39** was withdrawn.

Senator Mathewson assumed the Chair.

Senator McKenna offered **SS No. 2** for **HJR 39**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

HOUSE JOINT RESOLUTION NO. 39

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39 of article III of the Constitution of Missouri, relating to gaming and adopting two new sections in lieu thereof relating to the same subject.

Senator McKenna moved that **SS No. 2** for **HJR 39** be adopted.

At the request of Senator McKenna, **HJR 39**, with **SS No. 2** (pending), was placed on the Informal Calendar.

The Senate stood at ease for 5 minutes.

Senator Scott assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator McKenna moved that **HJR 39**, with **SS No. 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS No. 2 for **HJR 39** was again taken up.

Senator McKenna moved that **SS No. 2** for **HJR 39** be adopted, which motion prevailed.

On motion of Senator McKenna, **SS No. 2** for **HJR 39** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Clay	Curls
DePasco	Ehlmann	Graves	Howard
Jacob	Johnson	Kinder	Lybyer
Mathewson	McKenna	Quick	Scott
Sims	Staples	Wiggins	Yeckel--20
NAYS--Senators			
Caskey	Childers	Flotron	Goode
House	Kenney	Klarich	Mueller
Rohrbach	Russell	Singleton	Westfall--12
Absent--Senators			
Maxwell	Schneider--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Scott moved that **HCS** for **HB 1315** and **HS** for **HB 1070**, with **SCS** and **SS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 1315** and **HS** for **HB 1070**, as amended, was again taken up.

Senator Johnson offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1315 and House Substitute for House Bill No. 1070, Page 3, Section 354.535, Line 1, by inserting before all of said line the following:

"334.010. **1.** It shall be unlawful for any person not now a registered physician within the meaning of the law to practice medicine or surgery in any of its departments, **to engage in the practice of medicine across state lines** or to profess to cure and attempt to treat the sick and others afflicted with bodily or mental infirmities, or engage in the practice of midwifery in this state, except as herein provided.

2. For the purposes of this chapter, the practice of medicine across state lines shall mean:

(1) The rendering of a written or otherwise documented medical opinion concerning the diagnosis or treatment of a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent; or

(2) The rendering of treatment to a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent.

3. A physician located outside of this state shall not be required to obtain a license when:

(1) In consultation with a physician licensed to practice medicine in this state; and

(2) The physician licensed in this state retains ultimate authority and responsibility for the diagnosis or diagnoses and treatment in the care of the patient located within this state; or

(3) Evaluating a patient or rendering an oral, written or otherwise documented medical opinion, or when providing testimony or records for the purpose of any civil or criminal action before any judicial or administrative proceeding of this state or other forum in this state; or

(4) Participating in a utilization review pursuant to section 376.1350, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1315 and

House Substitute for House Bill No. 1070, Page 8, Section 376.1209, Line 1, by inserting immediately before said line the following:

"375.775. 1. The association shall:

(1) Be obligated to the extent of the covered claims existing prior to the date of entry of a decree or judgment pursuant to section 375.560 or a judicial determination by a court of competent jurisdiction in the insurer's domiciliary state that an insolvent insurer exists and arising within thirty days from the date or at the time of the first such decree, judgment or determination, or before the policy expiration date if less than thirty days after such date, or before or at the time the insured replaces the policy or causes its cancellation, if he does so within thirty days of such date, but **such** obligation shall include only that amount of each covered claim which is in excess of one hundred dollars and is less than three hundred thousand dollars, except that the association shall pay the full amount of any covered claim arising out of a workers' compensation policy. In no event shall the association be obligated to an insured or claimant in an amount in excess of the face amount or the limits of the policy from which a claim arises or be obligated for the payment of unearned premium in excess of the amount of ten thousand dollars, or to an insured or claimant on any covered claim until it receives confirmation from the receiver or liquidator of an insolvent insurer that the claim is within the coverage of an applicable policy of the insolvent insurer, except that within the sole discretion of the association, if the association deems it has sufficient evidence from other sources, including any claim forms which may be propounded by the association, that the claim is within the coverage of an applicable policy of the insolvent insurer, it shall proceed to process the claim, pursuant to its statutory obligations, without such confirmation by the receiver or liquidator:

(a) All covered claims shall be filed with the association on the claim information form required by this paragraph no later than the final date first set by the court for the filing of claims against the liquidator or receiver of an insolvent insurer, except that if the time first set by the court for filing claims is one year or less from the date of insolvency, and an extension of the time to file claims is granted by the court, claims may be filed with the association no later than the new date set by the court or within one year of the date of insolvency, whichever first occurs. In no event shall the association be obligated on a claim filed after such date or on one not filed on the required form. A claim information form shall consist of a statement verified under oath by the claimant which includes all of the following:

- a. The particulars of the claim;
- b. A statement that the sum claimed is justly owing and that there is no setoff, counterclaim, or defense to said claim;
- c. The name and address of the claimant and the attorney who represents the claimant, if any; and
- d. If the claimant is an insured, that the insured's net worth did not exceed twenty-five million dollars on the date the insurer became an insolvent insurer. The association may require that a prescribed form be used and may require that other information and documents be included. A covered claim shall not include any claim not described in a timely filed claim information form even though the existence of the claim was not known to the claimant at the time a claim information form was filed;

(b) In the case of claims arising from bodily injury, sickness or disease, the amount of any such award shall not exceed the [claimant's reasonable expenses incurred for necessary medical, surgical, X-ray, dental services and comparable services for] **face amounts or limits of the policy from which a claim arises. Such claim shall not be denied to** individuals who, in the exercise of their constitutional rights, rely on spiritual means alone for healing in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof[, including prosthetic devices and necessary ambulance, hospital, professional nursing, and any amounts lost or to be lost by reason of claimant's inability to work and earn wages or salary or their equivalent, except that]. The association shall pay the full amount of any covered claim arising out of a workers' compensation policy. Such award may also include payments in fact made to others, not members of claimant's household, which were reasonably incurred to obtain from such other persons ordinary and necessary services for the production of income in lieu of those services the claimant would have performed for himself **or herself** had [he] **the claimant** not been injured. Verdicts as respect only those civil actions as may be brought to recover damages as provided in this section shall specifically set out the sums applicable to each item in this section for which an award may be made;

(2) Be deemed the insurer to the extent of its obligations on the covered claims and to such extent shall have all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent;

(3) Allocate claims paid and expenses incurred among the four accounts separately, and assess member insurers separately for each account amounts necessary to pay the obligations of the association under subdivision (1) of this subsection to an insolvency, the expenses of handling covered claims subsequent to an insolvency, the cost of examinations under subdivision (6) of this subsection, and other expenses authorized by sections 375.771 to 375.779. The assessments of each member insurer shall be in the proportion that the net direct written premiums of the member insurer for the preceding calendar year on the kinds of insurance in the account bears to the net direct written premiums of all member insurers for the preceding calendar year of the kinds of insurance in the account. Each member insurer shall be notified of the assessment not later than thirty days before it is due. No member insurer may be assessed in any year on any account an amount greater than one percent of that member insurer's net direct written premiums for the preceding calendar year on the kinds of insurance in the account. If the maximum assessment, together with the other assets of the association in any account, does not provide in any one year in any account an amount sufficient to make all necessary payments from that account, the funds available shall be prorated and the unpaid portion shall be paid as soon thereafter as funds become available. The association may defer, in whole or in part, the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. Deferred assessments shall be paid when such payment will not reduce capital or surplus below required minimums. Such payments shall be refunded to those companies receiving larger assessments by virtue of such deferment, or, in the discretion of any such company, credited against future assessments. No dividends shall be paid stockholders or policyholders of a member insurer so long as all or part of any assessment against such insurer remains deferred. Each member insurer may set off against any assessment, authorized payments made on covered claims and expenses incurred in the payment of such claims by the member insurer if they are chargeable to the account for which the assessment is made. Assessments made under sections 375.771 to 375.779 and section 375.916 shall not be subject to subsection 1 of section 375.916;

(4) Handle claims through its employees or through one or more insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the director, but such designation may be declined by a member insurer;

(5) Reimburse each servicing facility for obligations of the association paid by the facility and for actual expenses incurred by the facility while handling claims on behalf of the association and shall pay the other expenses of the association authorized by this section;

(6) Be subject to examination and regulation by the director. The board of directors shall submit, not later than March thirtieth of each year, a financial report for the preceding calendar year in a form approved by the director; and

(7) Be considered to have been designated commissioner pursuant to subsection 2 of section 375.670, and it shall proceed to investigate, hear, settle, and determine covered claims unless the claimant shall, within thirty days from the date the claim is presented, present a written demand that such claim be processed in the liquidation proceedings as a claim not covered by sections 375.771 to 375.779.

2. The association may:

(1) Appear in, defend and appeal any action on a claim brought against the association;

(2) Employ or retain such persons as are necessary to handle claims and perform other duties of the association;

(3) Borrow funds necessary to effect the purposes of sections 375.771 to 375.779 in accord with the plan of operation;

(4) Sue or be sued;

(5) Negotiate and become a party to such contracts as are necessary to carry out the purpose of sections 375.771 to 375.779;

- (6) Perform such other acts as are necessary or proper to effectuate the purpose of sections 375.771 to 375.779;
- (7) Refund to the member insurers in proportion to the contribution of each member insurer to that account that amount by which the assets of the account exceed the liabilities, if, at the end of any calendar year, the board of directors finds that the assets of the association in any account exceed the liabilities of that account as estimated by the board of directors for the coming year; and
- (8) Become a member of the National Committee on Insurance Guaranty Funds."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Scott raised the point of order that **SA 8** is out of order in that the amendment goes beyond the scope of the bill.

President Pro Tem McKenna ruled the point of order not well taken.

SA 8 was again taken up.

Senator House moved that the above amendment be adopted, which motion failed.

Senator Klarich offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1315 and House Substitute for House Bill No. 1070, Page 1, Section A, Line 5 of said page, by inserting immediately after said line the following:

"191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. [Beginning August 28, 1994,] Such record shall be furnished [within a reasonable time of the receipt of the request therefor and] **and in accordance with the time limit in subsection 4 of this section and** upon payment of a handling fee of [fifteen] **twenty-five** dollars plus a fee of thirty-five cents per page for copies of documents made on a standard photocopy machine.

2. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of medical record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

3. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

4. Such records will be furnished within thirty days of the receipt of the request for such records. When such records are copied and produced by the provider, they shall, upon request, attest to the accuracy and completeness and shall have a cover affidavit attesting to their production as business records of the provider in compliance with section 490.692, RSMo, and such records are admissible as business records pursuant to sections 490.660 to 490.690, RSMo. Any additional fee charged for the attestation shall not exceed eight dollars. Failure by the provider to comply with the provisions of this section within thirty days of receipt of the request for such records shall result in the waiver of one-half of all handling, attestation and per page copying fees. Failure by the provider to comply with the provisions of this section within sixty days of the receipt of the request for such records shall result in the waiver of all handling, attestation and per page copying fees.

5. Beginning January 1, 2001, the limitation on the handling and attestation fees, but not the per page copying fees provided for in this section, shall be increased or decreased on an annual basis effective January first of each year in accordance with the implicit price deflator for personal consumption expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the fees shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Banks offered SA 10:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1315 and House Substitute for House Bill No. 1070, Page 10, Section 1, Line 22 of said page, by inserting after all of said line the following:

"Section 2. 1. All individuals and group health insurance policies providing coverage on an expense incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, or renewed on or after January 1, 1999, and providing coverage to any resident of this state shall provide coverage for a second medical opinion to be given to any person covered by the policy prior to any major surgical or operative procedure. Such second opinion may be given by any physician, whether in or outside of a preferred provider network.

2. Such services shall be provided subject to the same deductibles and copayments required pursuant to the patient's health care coverage. Nothing in this act shall apply to accident-only, hospital indemnity, Medicare supplement, short term major medical policies of six months or less duration, long-term care, or other limited benefit health insurance policies."; and

Further amend the title and enacting clause accordingly.

Senator Banks moved that the above amendment be adopted.

Senator Rohrbach offered SSA 1 for SA 10:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1315 and House Substitute for House Bill No. 1070, Page 3, Section 354.535, Line 1, by inserting immediately before said line the following:

"354.207. 1. A health services corporation shall allow enrollees to seek a second medical opinion or consultation from a willing second physician at no additional cost to the enrollee beyond what the enrollee would otherwise pay for an initial medical opinion or consultation from that second physician.

2. If an enrollee chooses to seek a second medical opinion, and if the health services corporation does not employ or contract with another physician with the expertise necessary to provide a second medical opinion, then the health services corporation shall arrange for a referral to another physician with the necessary expertise to

provide a second opinion or consultation and ensure that the enrollee obtains the covered benefit at no greater cost to the enrollee than if the benefit were obtained from participating physicians.

354.546. 1. A health maintenance organization shall allow enrollees to seek a second medical opinion or consultation from the health maintenance organization's choice of other primary care physicians and specialty physicians at no additional cost to the enrollee beyond what the enrollee would otherwise pay for an initial medical opinion or consultation.

2. If an enrollee chooses to seek a second medical opinion, and if the health maintenance organization does not employ or contract with another physician with the expertise necessary to provide a second medical opinion, then the health maintenance organization shall arrange for a referral to a physician with the necessary expertise to provide a second opinion or consultation and ensure that the enrollee obtains the covered benefit at no greater cost to the enrollee than if the benefit were obtained from participating physicians.

Section 1. The second opinions required in sections 354.207 and 354.546 shall be covered only in the event that the original diagnosis requires major surgery or other treatment necessitating general anesthesia or other serious illness involving loss of bodily part or function or other debilitating disease."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above substitute amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1315 and House Substitute for House Bill No. 1070, Page 11, Section 1, Line 2, by inserting immediately after said line the following:

"Section 1. To the extent consistent with the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1001, et seq., this section shall apply to any health insurer in defined in section 376.806, RSMo., nonprofit health service plan, or health maintenance organization.

2. Within forty-five days after receipt of a claim for reimbursement from a person entitled to reimbursement, a health insurer as defined in section 376.806, RSMo., nonprofit health service plan, or health maintenance organization shall:

(1) Pay the claim in accordance with this section; or

(2) Send a notice of receipt and status of the claim that states:

(a) That the insurer, nonprofit health service plan, or health maintenance organization refuses to reimburse all or part of the claim and the reason for the refusal; or

(b) That additional information is necessary to determine if all or part of the claim will be reimbursed and what specific additional information is necessary.

3. (1) If an insurer, nonprofit health service plan, or health maintenance organization fails to comply with subsection 2 of this section, the insurer, nonprofit health service plan, or health maintenance organization shall pay interest on the amount of the claim that remains unpaid forty-five days after the claim is filed at the monthly rate of one percent.

(2) The interest paid pursuant to this subsection shall be included in any late reimbursement without the necessity for the person that filed the original claim to make an additional claim for that interest.

4. (1) Within ten days after the day on which all additional information is received by an insurer, nonprofit health service plan, or health maintenance organization, it shall:

(a) Pay the claim in accordance with this section; or

(b) Send a written notice that:

a. States refusal to reimburse the claim or any part of the claim; and

b. Specifies each reason for denial.

(2) An insurer, nonprofit health service plan, or health maintenance organization that fails to comply with subdivision (1) of this subsection shall pay interest on any amount of the claim that remains unpaid at the monthly rate of one percent.

5. This section shall become effective April 1, 1999. "

Senator Singleton moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that **SA 11** is out of order in that it exceeds both the title and subject matter of the original bills.

Senator Mathewson assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

President Pro Tem McKenna assumed the Chair.

SA 11 was again taken up.

Senator House offered **SSA 1** for **SA 11**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1315 and House Substitute for House Bill No. 1070, Page 11, Section 1, Line 2 of said page, by inserting immediately after said line the following:

"Section 2. 1. To the extent consistent with the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1001, et seq., this section shall apply to any health insurer as defined in section 376.806, RSMo, nonprofit health service plan or health maintenance organization. It shall not apply to Administrative Services Only (ASO) contracts or to third-party administrators under contract to a self-funded group only to administer benefits, nor shall it apply to claims filed under the Medicaid or Medicare programs. Further, this section shall not be applicable to any insurer, health services corporation, health maintenance organization or third-party administrator which has a performance standard agreement with the plan, provider, or insured party, which is substantially equivalent to or better than the performance standard in this section.

2. A health insurer, nonprofit health service plan or health maintenance organization, as defined in section 376.806, RSMo, shall do one of the following within forty-five days after receipt of a claim for reimbursement from a person whose residence or place of business is located in the state of Missouri, who is entitled to reimbursement, and who has a current contract in force with the health insurer:

(1) Pay the claim in accordance with this section; or

(2) Send a notice of receipt and status of the claim that states that:

(a) The insurer, nonprofit health service plan or health maintenance organization refuses to reimburse all or part of a claim and the reason for the refusal; or

(b) Information in addition to that required pursuant to subsection 5 of this section is necessary to determine if all or part of the claim will be reimbursed and what specific additional information is necessary.

3. Within fifteen business days after the day on which all additional information is received by an insurer, nonprofit health service plan or health maintenance organization, it shall:

(1) Pay the claim in accordance with this section; or

(2) Send a written notice that states that no further benefits are payable under the plan, and specifies each reason for denial.

4. If an insurer, nonprofit health service plan, or health maintenance organization that is subject to this section fails to comply with subsection 2 or 3 of this section, then such organization with respect to claims covered by this section shall pay interest on the amount of the claim that remains unpaid forty-five days after the claim is filed until the organization gives written notice that no further benefits are payable under the plan with respect to the subject claim. Such interest shall be at a monthly rate equal to the rate mandated to be used by the United States Health Care Financing Administration for the payment of interest on late claims filed under the Medicare program. Nothing in this section shall require a health insurer, nonprofit health service corporation or health maintenance organization to pay a claim in less than forty-five calendar days.

5. For purposes of this section, a claim for reimbursement shall be deemed to be received by a health insurer only when the person entitled to reimbursement has provided all information required on the claim form mandated by section 374.184, RSMo, or such information as is agreed to by the health insurer, nonprofit health services corporation or health maintenance organization and the person entitled to reimbursement.

6. This section shall not apply to any claim for reimbursement that is filed by a health care professional as defined in section 354.600, RSMo, and which is received by a health carrier after December 31, 1999, unless such claim is submitted in an electronic format or unless such claim cannot be electronically filed.

7. This section shall become effective July 1, 1999."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above substitute amendment be adopted.

At the request of Senator Scott, **HCS** for **HB 1315** and **HS** for **HB 1070**, with **SCS**, **SS** for **SCS**, **SA 11** and **SSA 1** for **SA 11** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 1095**, as amended: Representatives: Smith, Gaw, Davis, Legan, Elliott.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 675, 483, 490 and 564**, as amended: Representatives: Scheve, Bray, Gaw, Lograsso and Vogel.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1571** and has again taken up and passed **SCS** for **HB 1571**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1309** and has again taken up and passed **SCS** for **HB 1309**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1369** and has again taken up and passed **HB 1369**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1528** and has again taken up and passed **SCS** for **HB 1528**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HB 1088** and has again taken up and passed **HB 1088**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1145** and has again taken up and passed **SCS** for **HB 1145**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HCS** for **HB 1636**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted the emergency clause for **SB 945**, with **HA 1**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HBs 1681** and **1342**, as amended: Representatives: Koller, Wiggins, Leake, Foster, Cooper.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 487**, entitled:

An Act to repeal sections 301.344, 304.155, 304.156, 304.157 and 304.158, RSMo Supp. 1997, relating to the removal of abandoned property, and to enact in lieu thereof six new sections relating to the same subject.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 487, Pages 1 and 2, Section 301.344, by deleting all of said section and inserting in lieu thereof the following:

"301.344. **1.** No town, city, village or municipality shall require a fee, permit or license for any reason from any wrecker or tow service business registered with the United States Department of Transportation, however, any county or a city not within a county of this state shall require such a fee, permit or license of any such business physically located in such county or city not within a county or of any such business which conducts more than fifty percent of its wrecker or tow service business activities in such county or city not within a county.

2. In addition to the provisions of subsection 1 of this section, a city not within a county shall annually require a fee, permit or license from any wrecker or tow service business performing nonconsensual towing within the boundaries of a city not within a county. For the purposes of this subsection, "nonconsensual" means any agreement to tow a vehicle off private property without the consent of the owner of the vehicle. Any wrecker or tow service business licensed pursuant to subsection 1 of this section shall not be required to obtain a separate license, fee or permit to comply with this subsection."

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 487, Page 1, In the Title, Line 2, by inserting immediately after the word "repeal" the following: "section 301.640, RSMo 1994, and"; and

Further amend said bill, Page 1, In the Title, Lines 4 and 5, by deleting the words "the removal of abandoned property" and inserting in lieu thereof the words "motor vehicles"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "six" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, Section A, Line 9, by deleting the word "Sections" and inserting in lieu thereof the following: "Section 301.640, RSMo 1994, and sections"; and

Further amend said bill, Page 1, Section A, Line 10, by deleting the word "six" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, Section A, Line 11, by inserting immediately after the figure "301.344," the figure "301.640,"; and

Further amend said bill, Page 2, Section 301.344, Line 10, by inserting immediately after all of said line the following:

"301.640. **1.** Upon the satisfaction of [a] **any** lien or encumbrance of a motor vehicle or trailer for which the certificate of ownership is in possession of the lienholder, he shall, within ten **business** days [after demand and, in any event, within thirty days,] release his lien or encumbrance on the certificate, and mail or deliver the certificate to the next lienholder named therein, or, if none, to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate. The owner may cause the certificate to be mailed or delivered to the director of revenue, who shall issue a new certificate of ownership upon application and payment of the required fee. **A lien or encumbrance shall be satisfied for the purposes of this section when a lienholder receives payment in full in the form of certified funds, as defined in section 381.410, RSMo.**

2. Upon the satisfaction of [a] **any** lien or encumbrance in a motor vehicle or trailer for which a certificate is in possession of a prior lienholder, the lienholder whose lien or encumbrance is satisfied shall within ten **business** days [after demand and, in any event, within thirty days,] release the lien or encumbrance on the certificate and deliver the certificate to the owner or any person who delivers to the lienholder an authorization from the owner to receive it. The

lienholder in possession of the certificate shall at the request of the owner and upon surrender of the certificate of title by the owner and receipt of the required fee, either mail or deliver the certificate of ownership to the director of revenue, or deliver the certificate to the owner, or the person authorized by him, for delivery to the director of revenue, who shall issue a new certificate.

3. If the purchase price of a motor vehicle or trailer did not exceed six thousand dollars at the time of purchase, a lien or encumbrance which was not perfected by a motor vehicle financing corporation whose net worth exceeds one hundred million dollars, or a depository institution, shall be considered satisfied within six years from the date the lien or encumbrance was originally perfected unless a new lien or encumbrance has been perfected as provided in section 301.600. This subsection does not apply to motor vehicles or trailers for which the certificate of ownership has recorded in the second lienholder portion the words "subject to future advances".

4. Any lienholder who fails to comply with subsection 1 or 2 of this section shall pay to the person or persons satisfying the lien or encumbrance twenty-five dollars for the first ten business days after expiration of the time period prescribed in subsection 1 or 2 of this section, and such payment shall double for each ten days thereafter in which there is continued noncompliance, up to a maximum of five hundred dollars for each lien. If delivery of the certificate is made by mail, the delivery date is the date of the postmark for purposes of this subsection.

Section B. Section A of this act shall become effective on January 1, 1999."

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 487, Page 1, In the Title, Line 2, by inserting after the word "repeal" the following: "section 144.025, RSMo 1994, and"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "six" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, Section A, Line 9, by deleting the word "Sections" and inserting in lieu thereof the following: "Section 144.025, RSMo 1994, and sections"; and

Further amend said bill, Page 1, Section A, Line 10, by deleting the word "six" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, Section A, Line 11, by inserting after the word "sections" the number "144.025,"; and

Further amend said bill, Page 1, Section A, Line 12, by inserting after all of said line the following:

"144.025. 1. Notwithstanding any other provisions of law to the contrary, in any retail sale other than retail sales governed by subsection [3] **4** of this section, where any article **on which sales or use tax due, if any, was paid, credited, satisfied or waived** is taken in trade as a credit or part payment on the purchase price of the article being sold, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the actual allowance made for the article traded in or exchanged, if there is a bill of sale or other record showing the actual allowance made for the article traded in or exchanged. Where the purchaser of a motor vehicle, trailer, boat or outboard motor receives a rebate from the seller or manufacturer, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the amount of the rebate, if there is a bill of sale or other record showing the actual rebate given by the seller or manufacturer. Where the trade-in or exchange allowance plus any applicable rebate exceeds the purchase price of the purchased article there shall be no sales or use tax owed. This section shall also apply to motor vehicles, trailers, boats, and outboard motors sold by the owner **or holder of a properly assigned certificate of ownership** if the seller purchases or contracts to purchase a [replacement] **subsequent** motor vehicle, trailer, boat, or outboard motor within ninety days before or after the date of the sale of the original article and a notarized bill of sale showing the paid sale price is presented to the department of revenue at the time of licensing. A copy of the bill of sale shall be left with the licensing office. Where the [new replacement] **subsequent** motor vehicle, trailer, boat, or outboard motor is titled more than ninety days after the sale of the original motor vehicle, trailer, boat, or outboard motor, the allowance pursuant to this section shall be made if the person titling such article

establishes that the purchase or contract to purchase was finalized prior to the expiration of the ninety-day period.

2. As used in this section, the term "boat" includes all motorboats and vessels, as the terms "motorboat" and "vessel" are defined in section 306.010, RSMo.

3. As used in this section, the term "motor vehicle" includes motor vehicles as defined in section 301.010, RSMo, recreational vehicles as defined in section 700.010, RSMo, or a combination of a truck as defined in section 301.010, RSMo, and a trailer as defined in section 301.010, RSMo.

[3.] **4.** The provisions of subsection 1 of this section shall not apply to retail sales of manufactured homes in which the purchaser receives a document known as the "Manufacturer's Statement of Origin" for purposes of obtaining a title to the manufactured home from the department of revenue of this state or from the appropriate agency or officer of any other state."

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 487, Page 1, In the Title, Line 5, by deleting the word "six" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, Section A, Line 10, by deleting the word "six" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, Section A, Line 12, by deleting the word and number "and 1" and inserting in lieu thereof the following: ", 1 and 2"; and

Further amend said bill, Page 36, Section 1, Line 2, by adding after all of said line the following:

"Section 2. 1. The provisions of this section shall only apply to any county of the first classification with a charter form of government with a population of at least two hundred thousand inhabitants that adjoins a county of the first classification with a charter form of government with a population of at least nine hundred thousand inhabitants.

2. For safety, security and financial responsibility when dealing with motor vehicles of others, whenever a towing company bids on a contract with a political subdivision for towing services, the towing company, its subsidiary, affiliate or any other person or entity who contracts with such towing company to perform towing services shall present proof to the political subdivision that:

(1) The company has a surety bond of not less than one hundred thousand dollars per occurrence;

(2) The towing company does not lease more than seventy-five percent of the towing vehicles which are to be used in connection with the towing contract;

(3) Each driver has been given an annual mandatory drug test by an independent health care provider;

(4) A storage lot used in the performance of the contract is located within the county where the political subdivision is located and staffed twenty-four hours a day and seven days a week.

3. The provisions of this section shall not apply to any towing company, combined with its subsidiaries, affiliates or any other person or entity who contracts with such towing company to perform any towing service, that have less than five towing vehicles."

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Bill No. 487, Page 1, In the Title, Line 5, by deleting the word "six" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, In the Title, Line 6, by inserting immediately after the word "subject" the following: ", with penalty provisions"; and

Further amend said bill, Page 1, Section A, Line 10, by deleting the word "six" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, Section A, Line 12, by deleting the word and figures "304.158 and 1" and inserting in lieu thereof the word and figures "304.158, 1 and 2"; and

Further amend said bill, Page 36, Section 1, Line 2, by inserting immediately after all of said line the following:

"Section 2. 1. No person or corporation shall operate a wrecker or tow service business in this state unless the person or corporation holds a valid business license which is required and issued by any county or city not within a county within which the wrecker or tow service business is physically located or conducts fifty percent or more of its business.

2. No person or corporation shall operate a wrecker or tow service business in this state unless the person or corporation has clearly and visibly printed on all wreckers and tow vehicles operated by the person or corporation the business name and address of such person or corporation and a telephone number at which a law enforcement officer or owner of a towed vehicle may contact the person or corporation during regular business hours.

3. Any person or corporation violating the provisions of this section is guilty of a misdemeanor."

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Bill No. 487, Page 11, Section 304.156, Line 14, by deleting the following: "company [and owner or lienholder]. Any towing company which" and inserting in lieu thereof the following: "company and owner or lienholder. [Any towing company which"; and

Further amend said bill, Page 11, Section 304.156, Line 20, by inserting immediately after the word and period "state." a closed bracket "]""; and

Further amend said bill, Page 13, Section 304.156, Line 15, by deleting the following: "[this section] **sections 304.155 to 304.158.**" and inserting in lieu thereof the following: "this section."

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Bill No. 487, Page 18, Section 304.156, Line 5, by deleting the words "has received" and inserting in lieu thereof the following: "was sent a".

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Bill No. 487, Page 21, Section 304.156, Line 1, by deleting the words "five hundred" and inserting in lieu thereof the words "one thousand"; and

Further amend said bill, page 21, line 2, by deleting the words "five hundred" and inserting in lieu thereof the words "one thousand".

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Bill No. 487, Page 11, Section 304.156, Line 13, by inserting an opening bracket "[" immediately before the word "towing"; and

Further amend said bill, Page 11, Section 304.156, Line 14, by deleting the following: "[and owner or lienholder]" and inserting in lieu thereof the following: "and] owner or lienholder **by certified mail and the towing company by**

regular mail"; and

Further amend said bill, page 12, line 1, by inserting an opening bracket "[" immediately before the word "by" and a closing bracket "]" immediately after the word "requested".

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Bill No. 487, Pages 1-2, Section 301.344, by deleting all of said section; and

Further amend section 1, pages 35-36, by deleting all of said section; and

Amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Mathewson moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HCS** for **HB 1636**, as amended, and grant the House a conference thereon; and further that the conferees be allowed to exceed the differences, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1020**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

HOUSE BILLS ON THIRD READING

Senator Lybyer requested unanimous consent of the Senate to suspend Senate Rule 52 for the purpose of taking up **HCS** for **HB 1013**, with **SCS**, for 3rd reading and final passage, which request was granted.

HCS for **HB 1013**, with **SCS**, entitled:

An Act to appropriate money for real property leases, related services, utilities, systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds, for the period beginning July 1, 1998, and ending June 30, 1999.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 1013**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1013An Act to appropriate money for real property leases, related services, utilities, systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds, for the period beginning July 1, 1998, and ending June 30, 1999.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1013** be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1013** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Clay	Flotron	Maxwell--3	
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Lybyer requested unanimous consent of the Senate to suspend Senate Rule 52 for the purpose of taking up **HCS** for **HB 1020**, with **SCS**, for 3rd reading and final passage, which request was granted.

HCS for **HB 1020**, with **SCS**, entitled:

An Act to appropriate money for planning, grants, equipment, lease purchase payments, and for capital improvements including but not limited to additions, renovation, new structures and land improvements, and to transfer money among certain funds.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 1020**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1020An Act to appropriate money for planning, grants, equipment, lease purchase payments and for capital improvements, including but not limited to additions, renovation, new structures and land improvements, and to transfer money among certain funds.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1020** be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1020** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Maxwell--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Lybyer requested unanimous consent of the Senate to suspend Senate Rule 52 for the purpose of taking up **HB 1021**, with **SCA 1**, for 3rd reading and final passage, which request was granted.

HB 1021, with **SCA 1**, introduced by Representative Franklin, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 1998 and ending June 30, 1999.

Was taken up by Senator Lybyer.

SCA 1 was taken up.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Lybyer, **HB 1021**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Maxwell--1

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HB 1620**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 1620**, with **SCS**, entitled:

An Act to repeal section 620.467, RSMo 1994, relating to the division of tourism, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Johnson.

SCS for **HCS** for **HB 1620**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1620

An Act to repeal section 620.467, RSMo 1994, relating to the division of tourism, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Johnson moved that **SCS** for **HCS** for **HB 1620** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **HCS** for **HB 1620** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	McKenna
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

NAYS--Senators

Goode	Mueller--2
	Absent--Senator Maxwell--1

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Scott moved that **HCS** for **HB 1315** and **HS** for **HB 1070**, with **SCS**, **SS** for **SCS**, **SA 11**, and **SSA 1** for **SA 11** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 11** was again taken up.

Senator Schneider offered **SA 1** to **SSA 1** for **SA 11**:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 11

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 11 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1315 and House Substitute for House Bill No. 1070, Page 3, Section 2, Line 22 of said page, by inserting after all of said line the following:

"7. The provisions of this section shall also apply to any reimbursement paid by health care providers to any insured or enrollee where the health care provider was compensated at the time of the delivery of health care services by the insured or enrollee and subsequently reimbursed by a health insurer. Interest shall begin 15 business days following receipt of payment from the health insurer to the provider on that amount paid by the insured or enrollee which is to be reimbursed."; and

Further amend line 23, by striking "7" and substitute "8".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Ehlmann, House, Klarich and Rohrbach.

SA 1 to **SSA 1** for **SA 11** failed of adoption by the following vote:

YEAS--Senators			
Ehlmann	House	Jacob	Klarich
Schneider--5			
NAYS--Senators			
Banks	Bentley	Caskey	Childers
Curls	DePasco	Flotron	Graves
Howard	Johnson	Kenney	Kinder
Lybyer	Mathewson	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--26		
Absent--Senators			
Clay	Goode	Maxwell--3	

Senator Schneider offered **SA 2** to **SSA 1** for **SA 11**, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 11

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 11 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1315 and House Substitute for House Bill No. 1070, Page 3, Section 2, Line 22 of said page, by inserting immediately after all of said line the following:

"7. The provisions of this section shall also apply to any reimbursement paid by health care providers to any insured or enrollee where the health care provider was compensated at the time of the delivery of health care services by the insured or enrollee and subsequently reimbursed by a health insurer. Interest shall begin thirty business days following receipt of payment from the health insurer to the provider on that amount paid by the insured or enrollee which is to be reimbursed."; and

Further renumber the remaining subsection accordingly.

Senator Schneider moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Yeckel offered **SA 3** to **SSA 1** for **SA 11**:

SENATE AMENDMENT NO. 3 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 11

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 11 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1315 and House Substitute for House Bill No. 1070, Page 1, Section 2, Lines 10-11, by striking the words ", nor shall it apply to claims filed under the Medicaid or Medicare programs" from said lines; and

Further amend said amendment, page 1, line 16, by inserting after the word "section" the following: "**and whose actual performance is equal to or better than the performance standard in this section**"; and

Further amend said amendment, page 3, lines 3-6, by striking all of said lines and inserting in lieu thereof the following: "**be at the rate of one percent per month. Nothing in this section shall require a health insurer**"; and

Further amend said amendment, page 3, lines 17-22, by striking all of said lines; and further by renumbering subsection 7 accordingly.

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 4** to **SSA 1** for **SA 11**, as amended, which was read:

SENATE AMENDMENT NO. 4 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 11

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 11 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1315 and House Substitute for House Bill No. 1070, Page 3, Section 2, Line 22 of said page, by inserting after all of said line the following:

"7. The provisions of this section shall also apply to any reimbursement paid by health care providers to any insured or enrollee where the health care provider was compensated at the time of the delivery of health care services by the insured or enrollee and subsequently reimbursed by a health insurer. Interest shall begin twenty business days following receipt of payment from the health insurer to the provider on that amount paid by the insured or enrollee which is to be reimbursed."; and

Renumber the remaining subsections accordingly.

Senator Schneider moved that the above amendment be adopted, which motion failed.

SSA 1 for **SA 11**, as amended, was again taken up.

Senator House moved that the above substitute amendment be adopted, which motion failed on a standing division vote.

SA 11 was again taken up.

Senator Schneider offered **SA 1** to **SA 11**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 11

Amend Senate Amendment No. 11 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1315 and House Substitute for House Bill No. 1070, Page 2, Line 16 of said page, by inserting immediately after all of said line the following:

"4. The provisions of this section shall also apply to any reimbursement paid by health care providers to any insured or enrollee where the health care provider was compensated for the delivery of health care services by the insured or enrollee and subsequently reimbursed by a health insurer. Interest shall begin forty-five days following receipt of payment from the health insurer to the provider on that amount paid by the insured or enrollee which is to be reimbursed."; and

Further renumber the remaining subsections accordingly.

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Scott, **HCS** for **HB 1315** and **HS** for **HB 1070**, with **SCS**, **SS** for **SCS**, **SA 11** and **SA 1** to **SA 11** (pending), were placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Howard moved that the Senate refuse to concur in **HA 1** to **SB 945** and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Caskey moved that the Senate refuse to recede from its position on **SCS** for **HB 1918** and grant the House a conference thereon; and further that the conferees be allowed to exceed the differences, which motion prevailed.

Senator Jacob moved that the Senate grant the House a further conference on **HCS** for **SB 778**, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the

House on **HCS** for **SB 778**: Senators Jacob, Clay, Caskey, Childers and Mueller.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1636**, as amended: Senators Mathewson, Scott, Wiggins, Ehlmann and Bentley.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HS No. 2** for **SS** for **SCS** for **SBs 675, 483, 490 and 564**, as amended: Senators Johnson, Wiggins, McKenna, Childers and Mueller.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 1918**: Senators Caskey, House, DePasco, Sims and Bentley.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Quick moved that the vote by which the substitute motion on **HS** for **SS No. 2** for **SCS** for **SB 632** was adopted be reconsidered.

Senator Mathewson assumed the Chair.

Senator Singleton raised the point of order that the motion made by Senator Quick for reconsideration is out of order because the bill is not properly before the body.

The point of order was referred to the President Pro Tem.

At the request of Senator Singleton, the point of order was withdrawn.

At the request of Senator Quick, the motion for reconsideration was withdrawn.

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 1872, regarding the Sixty-seventh Wedding Anniversary of Mr. and Mrs. Earl Baumgardner, Poplar Bluff, which was adopted.

Senator Klarich offered Senate Resolution No. 1873, regarding Elizabeth Ann "Betty" Buersmeyer, St. Louis, which was adopted.

Senator Curls offered Senate Resolution No. 1874, regarding the death of Willie Crawford Collins, Sr., which was adopted.

MESSAGES FROM THE GOVERNORThe following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 6, 1998

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 488 entitled:

"AN ACT"

To repeal sections 21.570 and 162.857, RSMo Supp. 1997, relating to special school districts and vocational education, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

On May 6, 1998, I approved said Senate Bill No. 488.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 6, 1998

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 537 entitled:

"AN ACT"

To amend chapters 404 and 456, RSMo, by adding thereto two new sections relating to powers of certain legal representatives.

On May 6, 1998, I approved said Senate Bill No. 537.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 6, 1998

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 580 entitled:

"AN ACT"

To repeal section 79.050, RSMo 1994, relating to municipal elections in fourth class cities, and to enact in lieu thereof one new section relating to the same subject.

On May 6, 1998, I approved said Senate Bill No. 580.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 6, 1998

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 597 entitled:

"AN ACT"

To repeal section 52.275, RSMo 1994, relating to drainage districts, and to enact in lieu thereof one new section relating to the same subject.

On May 6, 1998, I approved said Senate Bill No. 597.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 6, 1998

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 642 entitled:

"AN ACT"

To repeal section 33.103, RSMo Supp. 1997, relating to state financial administration, and to enact in lieu thereof one new section relating to the same subject.

On May 6, 1998, I approved said Senate Bill No. 642.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 6, 1998

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 652 entitled:

"AN ACT"

To repeal section 137.290, RSMo 1994, relating to county tax books, and to enact in lieu thereof one new section relating to the same subject.

On May 6, 1998, I approved said Senate Committee Substitute for Senate Bill No. 652.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 6, 1998

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 658 entitled:

"AN ACT"

To repeal sections 164.011 and 165.011, RSMo Supp. 1997, relating to school funds, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

On May 6, 1998, I approved said Senate Bill No. 658.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 6, 1998

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 684 entitled:

"AN ACT"

To repeal sections 211.073 and 211.181, RSMo Supp. 1997, relating to juveniles, and to enact in lieu thereof two new sections relating to the same subject.

On May 6, 1998, I approved said Senate Committee Substitute for Senate Bill No. 684.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 6, 1998

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 695 entitled:

"AN ACT"

To authorize the board of regents of Southeast Missouri State University to convey certain property of Southeast Missouri State University in Cape Girardeau County Missouri, to the city of Cape Girardeau.

On May 6, 1998, I approved said Senate Bill No. 695.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 6, 1998

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 720 entitled:

"AN ACT"

To amend chapter 210, RSMo, by adding thereto three new sections relating to the children's services commission's study on children of incarcerated parents.

On May 6, 1998, I approved said Senate Bill No. 720.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 6, 1998

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 764 entitled:

"AN ACT"

To repeal section 473.767, RSMo 1994, relating to probate code, and to enact in lieu thereof one new section relating to the same subject.

On May 6, 1998, I approved said Senate Bill No. 764.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 6, 1998

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 820 entitled:

"AN ACT"

To repeal section 67.1000, as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bill no. 3 of the second extraordinary session of the eighty-ninth general assembly, relating to local tourism taxes of municipalities and other political subdivisions, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

On May 6, 1998, I approved said Senate Committee Substitute for Senate Bill No. 820.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 6, 1998

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 832 entitled:

"AN ACT"

To repeal section 350.015, RSMo 1994, relating to farm corporations, and to enact in lieu thereof one new section relating to the same subject.

On May 6, 1998, I approved said Senate Bill No. 832.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 6, 1998

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 917 entitled:

"AN ACT"

To repeal section 65.230, RSMo 1994, and section 50.660, RSMo Supp. 1997, relating to county administration, and to enact in lieu thereof two new sections relating to the same subject.

On May 6, 1998, I approved said Senate Bill No. 917.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 6, 1998

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 918 entitled:

"AN ACT"

To repeal sections 630.520 and 630.530, RSMo 1994, relating to lease of land.

On May 6, 1998, I approved said Senate Bill No. 918.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 6, 1998

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 928 entitled:

"AN ACT"

To authorize the conveyance of state property to the city of St. Peters.

On May 6, 1998, I approved said Senate Bill No. 928.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 6, 1998

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 961 entitled:

"AN ACT"

To repeal section 210.109, RSMo Supp. 1997, relating to the child protection system established by the division of family services, and to enact in lieu thereof one new section relating to the same subject.

On May 6, 1998, I approved said Senate Bill No. 961.

Respectfully submitted,

MEL CARNAHAN

Governor

INTRODUCTIONS OF GUESTS

Senator Maxwell introduced to the Senate, the Physician of the Day, Dr. Steve Halpin, M.D., and his son, Brandon, Hannibal.

Senator Caskey introduced to the Senate, Jack King, and fifteen students from Harrisonville Christian School, Harrisonville; and Emily Lockard, Megan Mickelberry, Josh Evers and Daninelle Scavuzzo were made honorary pages.

On motion of Senator Quick, the Senate adjourned until 9:30 a.m., Friday, May 8, 1998.

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SEVENTH DAY--FRIDAY, MAY 8, 1998

The Senate met pursuant to adjournment.

Senator Johnson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, Harry Truman often spoke of his wife and daughter in loving terms. On his birthday, just before Mother's Day, we give thanks for this great Missourian and for all who recognize the importance of mothers, wives and daughters. Help us to be the kind of people of which our moms, wives and daughters would be proud. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Curls--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Mueller offered Senate Resolution No. 1875, regarding Carole Stiebel, Des Peres, which was adopted.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 778**: Representatives: Hoppe, Foley, Rizzo, Griesheimer, Edwards-Pavia.

CONFERENCE COMMITTEE REPORTS

Senator Mathewson assumed the Chair.

Senator Staples, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 883**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 883

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Bill No. 883, with House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2, as amended, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 2 to House Amendment No. 3, House Amendment No. 3, as amended, House Amendment No. 5, House Substitute Amendment No. 1 for House Amendment No. 6, House Amendment No. 7, House Amendment No. 8 and House Amendment No. 9; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 883, as amended;
2. That the Senate recede from its position on Senate Bill No. 883; and
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 883 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Danny Staples
/s/ Bill McKenna
/s/ Ronnie DePasco
/s/ Steve Ehlmann
/s/ Betty Sims

FOR THE HOUSE:

/s/ Don Koller
/s/ Larry Thomason
/s/ Brian May
/s/ Judy Berkstresser
/s/ Charles Pryor

Senator Staples moved that the above conference committee report be adopted, which motion failed to receive a constitutional majority by the following vote:

YEAS--Senators

Banks	Childers	DePasco	Ehlmann
Flotron	Goode	House	Howard
Jacob	Johnson	Lybyer	Mathewson
Quick	Russell	Schneider	Staples
Wiggins--17			

NAYS--Senators

Bentley	Caskey	Graves	Kenney
Kinder	Klarich	Mueller	Rohrbach
Scott	Sims	Singleton	Westfall
Yeckel--13			

Absent--Senators

Clay	Maxwell	McKenna--3
	Absent with leave--Senator Curls--1	

Senator Jacob, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 778**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT NO. 2
ON HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 778

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Committee Substitute for Senate Bill No. 778, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 778;
2. That the Senate recede from its position on Senate Bill No. 778;
3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Bill No. 778 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Ken Jacob
/s/ William Clay
/s/ Harold L. Caskey
/s/ Doyle Childers
/s/ Walt Mueller

FOR THE HOUSE:

/s/ Thomas J. Hoppe
/s/ James Foley
/s/ Henry C. Rizzo
/s/ John E. Griesheimer
Marilyn Edwards-Pavia

Senator Jacob moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Clay McKenna--2

Absent with leave--Senator Curls--1

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

On motion of Senator Jacob, **CCS No. 2** for **HCS** for **SB 778**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 778

An Act to repeal sections 140.250, 140.730, 141.530 and 141.550, RSMo 1994, and sections 140.405 and 301.025, RSMo Supp. 1997, relating to the procedure for collection of certain taxes, and to enact in lieu thereof six new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Clay	McKenna--2		
	Absent with leave--Senator Curls--1		

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

Senator House, on behalf of the conference committee appointed to act with a like committee from the House on **HB 1410**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 1410

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Bill No. 1410, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Amendment No. 1;
2. That Conference Committee Amendment No. 1 be adopted; and
3. That House Bill No. 1410 with Conference Committee Amendment No. 1 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Ted House
/s/ Betty Sims
/s/ Sidney Johnson

FOR THE HOUSE:

/s/ Bill Luetkenhaus
/s/ Carson Ross
/s/ Don R. Kissell

/s/ Bill Kenney
/s/ Danny Staples

/s/ Chuck Graham
/s/ T. Mark Elliott

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1410, Page 1, In the Title, Line 2, by deleting the following: "section 301.142," and inserting in lieu thereof the following: "sections 301.142 and 301.143,"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the words "one new section" and inserting in lieu thereof the words "two new sections"; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 301.142 and 301.143, RSMo Supp. 1997, are repealed and two new sections enacted in lieu thereof, to be known as sections 301.142 and 301.143, to read as follows:"; and

Further amend said bill, Page 5, Section 301.142, Line 131, by inserting immediately after all of said line the following:

"301.143. 1. As used in this section, the term "vehicle" shall have the same meaning given it in section 301.010, and the term "physically disabled" shall have the same meaning given it in section 301.142.

2. Political subdivisions of the state may by ordinance or resolution designate parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Owners of private property used for public parking shall also designate parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142. Whenever a political subdivision or owner of private property so designates a parking space, the space shall be indicated by a sign upon which shall be inscribed the international symbol of accessibility and shall also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. The sign described in this subsection shall also state, or an additional sign shall be posted below or adjacent to the sign stating, the following: "\$50 to \$300 fine."

3. Any political subdivision, by ordinance or resolution, and any person or corporation in lawful possession of a public offstreet parking facility or any other owner of private property may designate reserved parking spaces for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 as close as possible to the nearest accessible entrance. Such designation shall be made by posting immediately adjacent to, and visible from, each space, a sign upon which is inscribed the international symbol of accessibility, and may also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card.

4. The local police or sheriff's department may cause the removal of any vehicle not displaying a distinguishing license plate or card on which is inscribed the international symbol of accessibility and the word "disabled" issued pursuant to section 301.142 or a "disabled veteran" license plate issued pursuant to section 301.071 or a distinguishing license plate or card issued by any other state from a space designated for physically disabled persons if there is posted immediately adjacent to, and readily visible from, such space a sign on which is inscribed the international symbol of accessibility and may include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. Any person who parks in a space reserved for physically disabled persons and is not displaying distinguishing license plates or a card is guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars. Any vehicle which has been removed and which is not properly claimed within thirty days thereafter shall be considered to be an abandoned vehicle.

5. Spaces designated for use by vehicles displaying the distinguishing "disabled" license plate issued pursuant to section

301.142 or 301.071 shall meet the requirements of the federal Americans with Disabilities Act, as amended, and any rules or regulations established pursuant thereto. **Notwithstanding the other provisions of this section, on-street parking spaces designated by political subdivisions in residential areas for the exclusive use of vehicles displaying a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 shall meet the requirements of the federal Americans with Disabilities Act pursuant to this subsection and any such space shall have clearly and visibly painted upon it the international symbol of accessibility and any curb adjacent to the space shall be clearly and visibly painted blue.**

6. Any person who, without authorization, uses a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 to park in a parking space reserved under authority of this section shall be guilty of an infraction and shall be subject to a fine of not less than fifty dollars nor more than three hundred dollars.

7. Law enforcement officials may enter upon private property open to public use to enforce the provisions of this section and section 301.142, including private property designated by the owner of such property for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to section 301.071 or 301.142.

8. Nonconforming signs or spaces otherwise required pursuant to this section which are in use prior to August 28, 1997, shall not be in violation of this section during the useful life of such signs or spaces. Under no circumstances shall the useful life of the nonconforming signs or spaces be extended by means other than those means used to maintain any sign or space on the owner's property which is not used for vehicles displaying a disabled license plate.".

Senator House moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Clay	McKenna	Quick--3	
Absent with leave--Senator Curls--1			

On motion of Senator House, **HB 1410**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Mueller
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28
NAYS--Senator Rohrbach--1			
Absent--Senators			
Clay	McKenna	Quick	Russell--4
Absent with leave--Senator Curls--1			

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Sims moved that **SCS** for **SB 722**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SB 722**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 722

An Act relating to the use of genetic information and testing and domestic violence status for insurance purposes, with penalty provisions.

Was taken up.

President Wilson assumed the Chair.

Senator Sims moved that **HS** for **HCS** for **SCS** for **SB 722**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bentley	Scott--2		
Absent with leave--Senator Curls--1			

Senator Mathewson assumed the Chair.

On motion of Senator Sims, **HS** for **HCS** for **SCS** for **SB 722**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard

Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Curls--1

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Goode moved that the Senate refuse to concur in **HS** for **HCS** for **SB 487**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 893, with **SCS**, introduced by Representative Backer, entitled:

An Act to repeal section 130.057, RSMo Supp. 1997, relating to reports filed with the ethics commission, and to enact in lieu thereof one new section for the purpose of requiring electronic filing, with an emergency clause.

Was taken up by Senator Maxwell.

SCS for **HB 893**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 893

An Act to repeal sections 105.473, 130.057, RSMo Supp. 1997, and to enact in lieu thereof three new sections relating to certain campaign and lobbying reports, with an emergency clause.

Was taken up.

Senator Maxwell moved that **SCS** for **HB 893** be adopted.

Senator Maxwell offered **SS** for **SCS** for **HB 893**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 893

An Act to repeal sections 105.473, 130.021, 130.046, 130.047, 130.050 and 130.057, RSMo Supp. 1997, and to enact in lieu thereof eight new sections relating to certain campaign and lobbying reports, with an emergency clause.

Senator Maxwell moved that **SS** for **SCS** for **HB 893** be adopted.

Senator Howard offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 893, Page 8, Section 105.964, Line 7, by inserting after said section the following:

"105.966. 1. Except as provided in subsection 2 of this section, the ethics commission shall complete and make determinations on all complaint investigations within three months of initiation, except those complaint investigations assigned to a retired judge.

2. The commission or the person or committee who is being investigated may be granted an additional three months for investigation upon proving by a preponderance of the evidence that additional time is needed.

3. The hearing shall be held in camera before the Cole County circuit court and all records of the proceedings shall be closed.

4. The provisions of this section shall apply to all ongoing complaint investigations on the effective date of this section.

5. Any complaint investigation not completed and decided upon within the time allowed by this section shall be deemed to not have been a violation."; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Staples assumed the Chair.

Senator Flotron offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 893, Page 7, Section 105.964, Line 14, by adding "or Federal" at the beginning of said line.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 893, Page 1, Section A, Line 5 of said page, by inserting immediately after all of said line the following:

"105.470. As used in section 105.473, unless the context requires otherwise, the following words and terms mean:

(1) "Executive lobbyist", any natural person who acts for the purpose of attempting to influence any action by the executive branch of government or by any elected or appointed official, employee, department, division, agency or board or commission thereof and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment on behalf of or for the benefit of such person's employer; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the executive branch of state government in connection with such activity. An "executive lobbyist" shall not include a member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

a. Appearing or inquiring in regard to a complaint, citation, summons, adversary proceeding, or contested case before a state board, commission, department, division or agency of the executive branch of government or any elected or appointed officer or employee thereof;

b. Preparing, filing or inquiring, or responding to any audit, regarding any tax return, any public document, permit or contract, any application for any permit or license or certificate, or any document required or requested to be filed with the state or a political subdivision;

c. Selling of goods or services to be paid for by public funds, provided that such person is attempting to influence only the person authorized to authorize or enter into a contract to purchase the goods or services being offered for sale;

d. Participating in public hearings or public proceedings on rules, grants, or other matters;

e. Responding to any request for information made by any public official or employee of the executive branch of government;

f. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic;

g. Acting within the scope of employment by the general assembly, or acting within the scope of employment by the executive branch of government when acting with respect to the department, division, board, commission, agency or elected state officer by which such person is employed, or with respect to any duty or authority imposed by law to perform any action in conjunction with any other public official or state employee; or

h. Testifying as a witness before a state board, commission or agency of the executive branch;

(2) "Expenditure", any payment made or charge, expense, cost, debt or bill incurred; any gift, honorarium or item of value bestowed including any food or beverage; any price, charge or fee which is waived, forgiven, reduced or indefinitely delayed; any loan or debt which is canceled, reduced or otherwise forgiven; the transfer of any item with a reasonably discernible cost or fair market value from one person to another or provision of any service or granting of any opportunity for which a charge is customarily made, without charge or for a reduced charge; except that the term "expenditure" shall not include the following:

(a) Any item, service or thing of value transferred to any person within the third degree of consanguinity of the transferor which is unrelated to any activity of the transferor as a lobbyist;

(b) Informational material such as books, reports, pamphlets, calendars or periodicals informing a public official regarding such person's official duties, or souvenirs or mementos valued at less than ten dollars;

(c) Contributions to the public official's campaign committee or candidate committee which are reported pursuant to the provisions of chapter 130, RSMo;

(d) Any loan made or other credit accommodations granted or other payments made by any person or entity which extends credit or makes loan accommodations or such payments in the regular ordinary scope and course of business,

provided that such are extended, made or granted in the ordinary course of such person's or entity's business to persons who are not public officials;

(e) Any item, service or thing of de minimis value offered to the general public, whether or not the recipient is a public official or a staff member, employee, spouse or dependent child of a public official, and only if the grant of the item, service or thing of de minimis value is not motivated in any way by the recipient's status as a public official or staff member, employee, spouse or dependent child of a public official;

(f) The transfer of any item, provision of any service or granting of any opportunity with a reasonably discernible cost or fair market value when such item, service or opportunity is necessary for a public official or employee to perform his or her [duty in his or her official capacity, including but not limited to entrance fees to any sporting event, museum, or other venue when the official or employee is participating in a ceremony, public presentation or official meeting therein] **official duties**;

(g) Any payment, gift, compensation, fee, expenditure or anything of value which is bestowed upon or given to any public official or a staff member, employee, spouse or dependent child of a public official when it is compensation for employment or given as an employment benefit and when such employment is in addition to their employment as a public official;

(3) "Judicial lobbyist", any natural person who acts for the purpose of attempting to influence any purchasing decision by the judicial branch of government or by any elected or appointed official or any employee thereof and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment which primary purpose is to influence the judiciary in its purchasing decisions on a regular basis on behalf of or for the benefit of such person's employer, except that this shall not apply to any person who engages in lobbying on an occasional basis only and not as a regular pattern of conduct; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation or association; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the judicial branch of state government in connection with attempting to influence such purchasing decisions by the judiciary. A "judicial lobbyist" shall not include a member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

a. Appearing or inquiring in regard to a complaint, citation, summons, adversary proceeding, or contested case before a state court;

b. Participating in public hearings or public proceedings on rules, grants, or other matters;

c. Responding to any request for information made by any judge or employee of the judicial branch of government;

d. Preparing, distributing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic; or

e. Acting within the scope of employment by the general assembly, or acting within the scope of employment by the executive branch of government when acting with respect to the department, division, board, commission, agency or elected state officer by which such person is employed, or with respect to any duty or authority imposed by law to perform any action in conjunction with any other public official or state employee;

(4) "Legislative lobbyist", any natural person who acts for the purpose of attempting to influence the taking, passage, amendment, delay or defeat of any official action on any bill, resolution, amendment, nomination, appointment, report

or any other action or any other matter pending or proposed in a legislative committee in either house of the general assembly, or in any matter which may be the subject of action by the general assembly and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment, which primary purpose is to influence legislation on a regular basis, on behalf of or for the benefit of such person's employer, except that this shall not apply to any person who engages in lobbying on an occasional basis only and not as a regular pattern of conduct; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the legislative branch of state government in connection with such activity. A "legislative lobbyist" shall include an attorney at law engaged in activities on behalf of any person unless excluded by any of the following exceptions. A "legislative lobbyist" shall not include any member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

a. Responding to any request for information made by any public official or employee of the legislative branch of government;

b. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic;

c. Acting within the scope of employment of the legislative branch of government when acting with respect to the general assembly or any member thereof;

d. Testifying as a witness before the general assembly or any committee thereof;

(5) "Lobbyist", any natural person defined as an executive lobbyist, judicial lobbyist or a legislative lobbyist;

(6) "Lobbyist principal", any person, business entity, governmental entity, religious organization, nonprofit corporation or association who employs, contracts for pay or otherwise compensates a lobbyist;

(7) "Public official", any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government or any agency head, department director or division director of state government or any member of any state board or commission and any designated decision-making public servant designated by persons described in this subdivision."; and

Further amend said bill, Page 3, Section 105.473, Line 5 of said page, by striking the word "or" as it first appears and inserting in lieu thereof the word "**and**"; and

Further amend said bill, Page 3, Section 105.473, Line 14 of said page, by striking the word "or" and inserting in lieu thereof the word "**and**"; and

Further amend said bill, Page 3, Section 105.473, Line 20 of said page, by striking the word "occasions" and inserting in lieu thereof the words "**each occasion**"; and

Further amend said bill, Page 5, Section 105.473, Line 6 of said page, by inserting at the end of said line the following: "**Admissions to sporting, educational or informational events within the state of Missouri, if the event is controlled or sponsored by the transferor, shall be reported either by dollar value or by the identity of the sponsor and a description identifying the date and nature of the event, and in such instances, it is not necessary to assign a value for expenditures for such admissions and costs related thereto.**"; and

Further amend said bill, Page 15, Section 130.021, Line 21 of said page, by inserting immediately after all of said line the following:

"130.034. 1. Contributions as defined in section 130.011, received by any committee shall not be converted to any personal use.

2. Contributions may be used for any purpose allowed by law including, but not limited to:

(1) Any ordinary expenses incurred relating to a campaign;

(2) Any ordinary and necessary expenses incurred in connection with the duties of a holder of elective office;

(3) Any expenses associated with the duties of candidacy or of elective office pertaining to the entertaining of or providing social courtesies to constituents, professional associations, or other holders of elective office;

(4) The return of any contribution to the person who made the contribution to the candidate or holder of elective office;

(5) To contribute to a political organization or candidate committee as allowed by law;

(6) To establish a new committee as defined by this chapter;

(7) To make an unconditional gift which is fully vested to any charitable, fraternal or civic organizations or other associations formed to provide for some good in the order of benevolence, if such candidate, former candidate or holder of elective office or such person's immediate family gain no direct financial benefit from the unconditional gift[;

(8) Except when such candidate, former candidate or holder of elective office dies while the committee remains in existence, the committee may make an unconditional gift to a fund established for the benefit of the spouse and children of the candidate, former candidate or holder of elective office. The provisions of this subdivision shall expire October 1, 1997].

3. Upon the death of the candidate, former candidate or holder of elective office who received such contributions, all contributions shall be disposed of according to this section and any funds remaining after final settlement of the candidate's decedent's estate, or if no estate is opened, then twelve months after the candidate's death, will escheat to the state of Missouri to be deposited in the general revenue fund.

4. No contributions, as defined in section 130.011, received by a candidate, former candidate or holder of elective office shall be used to make restitution payments ordered of such individual by a court of law or for the payment of any fine resulting from conviction of a violation of any local, state or federal law.

5. Committees described in subdivision (17) of section 130.011 shall make expenditures only for the purpose of determining whether an individual will be a candidate. Such expenditures include polling information, mailings, personal appearances, telephone expenses, office and travel expenses but may not include contributions to other [candidate] **candidates or** committees.

6. Any moneys in the exploratory committee fund may be transferred to the candidate committee upon declaration of candidacy for the position being explored. Such funds shall be included for the purposes of reporting and limitation. In the event that candidacy is not declared for the position being explored, the remaining exploratory committee funds shall be returned to the contributors on a pro rata basis. In no event shall the amount returned exceed the amount given by each contributor nor be less than ten dollars."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Scott assumed the Chair.

Senator Caskey offered **SA 1** to **SA 3**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Bill No. 893, Page 5, Line 10 of said amendment, by inserting an opening bracket "[" before the word and quotation mark ""Judicial"; and

Further amend said amendment, Page 7, Line 1 of said amendment, by placing a closing bracket "]" immediately after the numeral "(4)"; and further amend by renumbering the remaining subdivisions accordingly; and

Further amend said amendment, Page 8, Line 18 of said amendment by striking the following: ", judicial lobbyist"; and

Further amend said amendment, Page 9, Line 3 of said amendment, by inserting immediately after all of said line the following:

"Further amend said bill, Page 2, Section 105.473, Line 22 of said page, by striking the following: ", judicial lobbyist"; and".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

President Pro Tem McKenna assumed the Chair.

SA 3, as amended, was again taken up.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 893, Page 28, Section 130.057, Line 24 of said page, by inserting immediately after the word "commission." the following: **"In developing bid specifications and in evaluating bids, the commission shall consider the cost of compliance by any person submitting electronic reports pursuant to this section."**

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 893, Page 31, Section 130.059, by inserting after said line the following:

"Section 1. No person registered as a lobbyist pursuant to chapter 105 RSMo shall make any contribution to any legislative candidate committee, party committee or caucus candidate committee or solicit any contributions for such committee during the legislative session. No candidate, caucus or political party shall solicit or accept contributions of any kind during the legislative session from any person registered as a lobbyist pursuant to chapter 105 RSMo. The foregoing shall not apply to municipal elections or candidates, nor shall it apply to special elections or ballot measures. Nothing in this section shall be interpreted as prohibiting contributions by political action committees to candidates, committees, caucus committees or party committees or solicitations of such contributions during the legislative session."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion failed.

Senator Banks offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 893, Page 31, Section 130.059, Line 9, by inserting immediately after all of said line the following:

"Section 1. Any reasonable attorneys fees accrued by a person who is the subject of a complaint which are used in defending such person in any matter resulting in an investigation arising from holding or running for public office may be paid out of such person's committee, as defined in section 130.011, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Banks offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 893, Page 31, Section 130.059, Line 9, by inserting immediately after all of said line the following:

"Section 1. The commission shall pay all reasonable legal costs, expenses and attorneys fees of any subject of any report of an investigation which becomes subject to the provisions and subsection 2 or 3 of section 105.961, and which results in a determination other than guilty or probable cause of violation."; and

Further amend the title and enacting clause accordingly.

Senator Banks moved that the above amendment be adopted.

At the request of Senator Maxwell, **HB 893**, with **SCS**, **SS** for **SCS** and **SA 7** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem McKenna referred **HCR 26** to the Committee on Rules, Joint Rules and Resolutions.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1918**: Representatives: Lograsso, Ridgeway, Hosmer, Stokan and Stroker.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HBs 1681** and **1342** and has taken up and passed **CCS** for **SCS** for **HCS** for **HBs 1681** and **1342**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1052** and has taken up and passed **CCS** for **SCS** for **HB 1052**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 927** and has taken up and passed **CCS** for **SCS** for **HB 927**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 1683**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to grant the Senate a conference on **HS** for **SS No. 2** for **SCS** for **SB 632**, as amended, and requests the Senate take up and pass **HS** for **SS No. 2** for **SCS** for **SB 632**, as amended.

RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 1876, regarding Joseph Matthew "Joe" Shapiro, O'Fallon, which was adopted.

Senator Maxwell offered Senate Resolution No. 1877, regarding David Baden, which was adopted.

Senator DePasco offered Senate Resolution No. 1878, regarding Jared Welch, which was adopted.

Senator Kenney offered Senate Resolution No. 1879, regarding David Cody Fritts, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1880, regarding Matthew M. "Matt" Knowles, Lee's Summit, which was adopted.

On motion of Senator Quick, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Wiggins.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 1272** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCA 1** to **HB 1301** and request the Senate to recede from its position or, failing to do so, grant the House a conference, and allow the conferees to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and concurred in **SCA 1** to **HCS** for **HB 1189** but refused to concur in **SA 1** and requests the Senate to recede from its position thereon or failing to do so, grant the House a conference.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the conferees on **SCS** for **HS** for **HCS** for **HB 1636** as amended be allowed to exceed the differences relative to the definitional section on page two (2) of the bill.

The Speaker has appointed the following conferees to act with a like committee from the Senate: Representatives: Hoppe, Shelton, Hickey, Pryor and Cooper.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 950** and has again taken up and passed **HB 950** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1021** and has again taken up and passed **HB 1021** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1020** and has again taken up and passed **SCS** for **HCS** for **HB 1020**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1620** and has again taken up and passed **SCS** for **HCS** for **HB 1620**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1862** and has again taken up and passed **HB 1862** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 987** and has again taken up and passed **SCS** for **HB 987**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1013** and has again taken up and passed **SCS** for **HCS** for **HB 1013**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1066** and has again taken up and passed **SCS** for **HB 1066**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCAs 1, 2 and 3** to **HB 1791** and has again taken up and passed **HB 1791** as amended.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1080** and has again taken up and passed **HB 1080** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1055**, as amended, and has again taken up and passed **SCS** for **HB 1055** as amended.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HJR 26**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HCS** for **HB 1684**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Quick, the Senate adjourned until 6:00 p.m., Sunday, May 10, 1998.

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-EIGHTH DAY--SUNDAY, MAY 10, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we are thankful for this beautiful Mother's Day you have given to us, and for all mothers everywhere. We give a special thanks for the memory of mothers who are no longer with us. We pray that everything our mothers taught us will be put into practice during this last week of this session. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Quick moved that the Senate Journal for Friday, May 8, 1998, be corrected on page 1133, column 2, line 22, by deleting the word "Senate" and inserting in lieu thereof the word "House", which motion prevailed.

The Journal for Friday, May 8, 1998, was read and approved, as corrected.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 1881, regarding the death of Dr. Max Morris, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1882, regarding the death of Mr. Frederick T. Reyling, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1883, regarding the death of Stanley Earle Parsons, Independence, which was adopted.

BILL REFERRALS

President Pro Tem McKenna referred **HCS** for **HB 1684**, with **SCS**, to the Committee on State Budget Control.

PRIVILEGED MOTIONS

Senator Quick moved that **SS No. 2** for **SCS** for **SB 632**, with **HS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SS No. 2** for **SCS** for **SB 632**, as amended, was again taken up.

Senator Quick moved that **HS** for **SS No. 2** for **SCS** for **SB 632**, as amended, be adopted.

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

Senator Mathewson assumed the Chair.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

Senator Flotron submitted the following substitute motion, which was read:

SUBSTITUTE MOTION

I move that the Senate refuse to concur in **HS** for **SS No. 2** for **SCS** for **SB 632**, as amended, and request that the House grant a conference thereon.

I further move that the conferees be bound to agree to a plan which provides for medical insurance for uninsured children whose parents or guardians have a gross income of up to 200 percent of the federal poverty level.

Senator Lybyer raised the point of order that the substitute motion made by Senator Flotron is out of order because it exceeds what the conferees would be able to do on the bill.

Senator Mathewson assumed the Chair.

The point of order was referred to the President Pro Tem.

At the request of Senator Flotron, the substitute motion was withdrawn, rendering the point of order moot.

Senator Flotron offered the following substitute motion, which was read:

SUBSTITUTE MOTION

I move that the Senate refuse to concur in **HS** for **SS No. 2** for **SCS** for **SB 632** and request that the House grant a conference thereon.

I further move that the conferees be allowed to exceed the differences and that they be bound to the following amendment:

Amend House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632, Page 2, Section 208.185, Line 13, by striking the word "three" and inserting in lieu thereof the word "**two**"; and

Further amend said bill and section, pages 3-4, lines 7-22 of page 3 and further amend page 4, lines 1-11, by striking all of said lines.

Senator Flotron moved that the above substitute motion be adopted.

Senator Schneider offered **SA 1** to the substitute motion, which was read:

SENATE AMENDMENT NO. 1 TO
SUBSTITUTE MOTION

Amend the substitute motion, line 7, by striking the words "be bound to" and substitute the word: "support"; and amend line 5, by inserting "Senate" before the word "conferees".

Senator Schneider moved that the above amendment be adopted.

Senator Singleton offered **SPA 1** to **SA 1** to the substitute motion, which was read:

SENATE PERFECTING AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1 TO
SUBSTITUTE MOTION

Amend Senate Amendment No. 1, by striking all words on lines 1-3 and adding in its place "require".

Senator Singleton moved that the above perfecting amendment be adopted.

Senator Schneider raised the point of order that **SPA 1** to **SA 1** is out of order as it is in the third degree.

At the request of Senator Singleton, **SPA 1** to **SA 1** was withdrawn, rendering the point of order moot.

Senator Singleton offered **SSA 1** for **SA 1** to the substitute motion, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1 TO
SUBSTITUTE MOTION

Amend the substitute motion, line 1, by striking all words on lines 1-3 and adding in its place "require".

Senator Singleton moved that the above substitute amendment be adopted.

Senator Schneider raised the point of order that **SSA 1** for **SA 1** is out of order as it is in the third degree.

At the request of Senator Singleton, **SSA 1** for **SA 1** was withdrawn, rendering the point of order moot.

Senator Singleton offered **SSA 2** for **SA 1** to the substitute motion, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR
SENATE AMENDMENT NO. 1 TO

SUBSTITUTE MOTION

Amend the substitute motion, line 7, by striking the words "be bound to" and substitute the word: "require"; and amend line 5, by inserting "Senate" before the word "conferees".

Senator Singleton moved that the above substitute amendment be adopted.

President Pro Tem McKenna assumed the Chair.

Senator Johnson assumed the Chair.

Senator Childers requested a roll call vote be taken to establish a quorum. He was joined in his request by Senators Ehlmann, Graves, Kinder and Rohrbach.

On roll call the following Senators were present:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

SSA 2 for **SA 1** to the substitute motion was again taken up.

Senator Kinder requested a roll call vote be taken to establish a quorum. He was joined in his request by Senators Ehlmann, Mueller, Graves and Rohrbach.

On roll call the following Senators were present:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Quick--1		
	Absent with leave--Senators--None		

SSA 2 for SA 1 to the substitute motion was again taken up.

Senator Mathewson assumed the Chair.

Senator Clay assumed the Chair.

At the request of Senator Singleton, SSA 2 for SA 1 to the substitute motion was withdrawn.

At the request of Senator Schneider, SA 1 to the substitute motion was withdrawn.

At the request of Senator Flotron, the substitute motion was withdrawn.

At the request of Senator Quick, the motion to adopt HS for SS No. 2 for SCS for SB 632, as amended, was withdrawn.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Lybyer moved that the vote by which HB 1928 failed on 3rd reading and final passage be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Schneider
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators			
Kinder	Russell	Scott--3	
Absent--Senator Curls--1			
Absent with leave--Senators--None			

HOUSE BILLS ON THIRD READING

Senator Goode requested unanimous consent of the Senate for HB 1928 to hold its place on the Consent Calendar.

On motion of Senator Quick, the Senate adjourned until 11:00 a.m., Monday, May 11, 1998.

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-NINTH DAY--MONDAY, MAY 11, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, the Psalmist said, "My strength is from the Lord." We pray for strength to overcome our weaknesses, our prejudices, our temptations and our selfishness. Give us strength to remain calm, to be loving and to do our best work. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Johnson assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Quick announced that photographers from KRCG-TV, the Associated Press and the Senate had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Lybyer offered Senate Resolution No. 1884, regarding Evelyn Clough, Linn, which was adopted.

Senator DePasco offered Senate Resolution No. 1885, regarding Phi Tau Omega Sorority, which was adopted.

HOUSE BILLS ON THIRD READING

Senator Goode moved that **HB 1928** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Goode requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Goode offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 1928, Page 1, Section 701.031, Line 8, by striking the word "six" and inserting in lieu thereof the following: "**three**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Goode, **HB 1928**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Jacob	Johnson
Kenney	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators			
Howard	Kinder--2		
Absent--Senators			
Clay	Curls--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Caskey moved that the vote by which the conference committee report on **HCS** for **SB 883**, as amended, was defeated be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall

Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Clay	Curls	Goode	McKenna--4
	Absent with leave--Senators--None		

Senator Staples moved that the conference committee report on **HCS** for **SB 883**, as amended, be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Clay	Curls	Goode	McKenna--4
	Absent with leave--Senators--None		

On motion of Senator Staples, **CCS** for **HCS** for **SB 883**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 883

An Act to repeal sections 43.030, 226.040 and 226.140, RSMo 1994, and sections 71.288 and 226.005, RSMo Supp. 1997, relating to transportation, and to enact in lieu thereof seven new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Clay	Curls	Goode	Schneider--4
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator DePasco moved that **SB 761**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 761**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 761An Act to repeal sections 169.322 and 169.350, RSMo 1994, and sections 169.270, 169.291, 169.324, 169.326, 169.328 and 169.597, RSMo Supp. 1997, relating to certain school retirement systems, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Senator DePasco moved that **HCS** for **SB 761** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Clay	Curls	Goode	McKenna--4
Absent with leave--Senators--None			

On motion of Senator DePasco, **HCS** for **SB 761** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Clay	Curls	Goode	McKenna--4
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

Senator Maxwell moved that **HB 893**, with **SCS**, **SS** for **SCS** and **SA 7** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 7 was again taken up.

At the request of Senator Banks, the above amendment was withdrawn.

Senator Schneider offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 893, Page 1, Section A, Line 5 of said page, by inserting immediately after all of said line the following:

"105.450. As used in sections 105.450 to 105.496 and sections 105.955 to 105.963, unless the context clearly requires otherwise, the following terms mean:

(1) "Adversary proceeding", any proceeding in which a record of the proceedings may be kept and maintained as a public record at the request of either party by a court reporter, notary public or other person authorized to keep such record by law or by any rule or regulation of the agency conducting the hearing; or from which an appeal may be taken directly or indirectly, or any proceeding from the decision of which any party must be granted, on request, a hearing de novo; or any arbitration proceeding; or a proceeding of a personnel review board of a political subdivision; or an investigative proceeding initiated by an official, department, division, or agency which pertains to matters which, depending on the conclusion of the investigation, could lead to a judicial or administrative proceeding being initiated against the party by the official, department, division or agency;

(2) "Business entity", a corporation, association, firm, partnership, proprietorship, or business entity of any kind or character;

(3) "Business with which a person is associated":

(a) Any sole proprietorship owned by himself or herself, the person's spouse or any dependent child in the person's custody;

(b) Any partnership or joint venture in which the person or the person's spouse is a partner, other than as a limited partner of a limited partnership, and any corporation or limited partnership in which the person is an officer or director or of which either the person or the person's spouse or dependent child in the person's custody whether singularly or collectively owns in excess of ten percent of the outstanding shares of any class of stock or partnership units; or

(c) Any trust in which the person is a trustee or settlor or in which the person or the person's spouse or dependent child whether singularly or collectively is a beneficiary or holder of a reversionary interest of ten percent or more of the corpus of the trust;

(4) "Commission", the Missouri ethics commission established in section 105.955;

(5) "Confidential information", all information whether transmitted orally or in writing which is of such a nature that it is not, at that time, a matter of public record or public knowledge;

(6) "Decision-making public servant", an official, appointee or employee of the offices or entities delineated in paragraphs (a) through [(h)] **(i)** of this subdivision who exercises supervisory authority over the negotiation of contracts, or has the legal authority to adopt or vote on the adoption of rules and regulations with the force of law or exercises primary supervisory responsibility over purchasing decisions. The following officials or entities shall be responsible for designating a decision-making public servant **and shall themselves be decision-making public servants:**

- (a) The governing body of the political subdivision with a general operating budget in excess of one million dollars;
- (b) A department, **division or agency** director;
- (c) A judge vested with judicial power by article V of the Constitution of the state of Missouri;
- (d) Any commission empowered by interstate compact;
- (e) A statewide elected official;
- (f) The speaker of the house of representatives;
- (g) The president pro tem of the senate;
- (h) The **board of regents or board of curators**, president or chancellor of a state institution of higher education;
- (i) A state commission or board;**

(7) "Dependent child" or "dependent child in the person's custody", all children, stepchildren, foster children and wards under the age of eighteen residing in the person's household and who receive in excess of fifty percent of their support from the person;

(8) "Political subdivision" shall include any political subdivision of the state, and any special district or subdistrict;

(9) "Public document", a state tax return or a document or other record maintained for public inspection without limitation on the right of access to it and a document filed in a juvenile court proceeding;

(10) "Substantial interest", ownership by the individual, the individual's spouse, or the individual's dependent children, whether singularly or collectively, directly or indirectly, of ten percent or more of any business entity, or of an interest having a value of ten thousand dollars or more, or the receipt by an individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, of a salary, gratuity, or other compensation or remuneration of five thousand dollars, or more, per year from any individual, partnership, organization, or association within any calendar year;

(11) "Substantial personal or private interest in any measure, bill, order or ordinance", any interest in a measure, bill, order or ordinance which results from a substantial interest in a business entity."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 9:**

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 893, Page 15, Section 130.021, Line 21 of said page, by inserting immediately after all of said line the following:

"[130.037. Any candidate may file a supplemental report containing information required pursuant to section 130.041, for the purposes of this section. Candidates whose supplemental report filed within thirty days of August 28, 1997, or

whose report filed pursuant to subdivision (2) of subsection 1 of section 130.046 reflects outstanding obligations in excess of moneys on hand, may convert their campaign committee to a debt service committee as provided in this section. If a debt service committee is formed, the committee may accept contributions from any person as long as the aggregate contribution from such person does not exceed the limits set, pursuant to section 130.032, for the aggregating period, pursuant to subdivision (1) of subsection 2 of section 130.041, in which the debt was incurred. A person who contributes to a debt service committee of a candidate may also contribute to the candidate's campaign committee for a succeeding election up to the amounts specified in section 130.032. The treasurer and the candidate shall terminate the debt service committee pursuant to section 130.021 when the contributions received exceed the amount of the debt, and within thirty days the committee shall file disclosure reports pursuant to section 130.041 and shall return any excess moneys received to the contributor or contributors, if known, otherwise such moneys shall escheat to the state. No debt service committee shall be in existence more than eighteen months.] **Only for the purposes of satisfying debt accrued in an election, contributions accepted within twelve months after a general election by a candidate for such office shall be attributed to that election for purposes of this chapter.**"; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Flotron offered **SA 1** to **SA 9**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Substitute for Senate Committee Substitute for House Bill No. 893, Page 2, Section 130.037, Lines 7-12, by deleting said line and inserting in lieu thereof the following: "shall escheat to the state."; and

Senator Flotron moved that the above amendment be adopted.

At the request of Senator Flotron, **SA 1** to **SA 9** was withdrawn.

At the request of Senator Schneider, **SA 9** was withdrawn.

Senator Maxwell offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 893, Page 31, Section 130.059, Line 9 of said page, by inserting immediately after said line the following:

"Section 1. A respondent party who prevails in a formal, administrative action brought by the ethics commission shall be awarded those reasonable fees and expenses incurred by that party in the formal administrative action, unless a court finds that the position of the commission was substantially justified or that special circumstances make such an award unjust."; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 893, Page 28, Section 130.057, Line 24 of said page, by inserting immediately after the word "commission" the following: ", **and such computer program shall be adaptable to and be able to run on DOS, Windows, Macintosh based personal computers and run on any other common personal computer operating environment which may become available in the future.**".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 893, Page 28, Section 130.057.3., Lines 6 to 21, by striking all the brackets and bold face type appearing therein.

Senator Schneider moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

At the request of Senator Maxwell, **HB 893**, with **SCS**, **SS** for **SCS** and **SA 12** (pending), was placed on the Informal Calendar.

Senator Quick requested unanimous consent of the Senate to suspend the rules for the purpose of Introductions of Guests, which request was granted.

INTRODUCTIONS OF GUESTS

The President introduced to the Senate, Mr. Sergei Alekseyevich Vakhrukov, Mr. Sergei Yevgenevich Korepanov, Mr. Anatoliy Yakovlevich Zelikov, Mr. Ivan Zigmundovich Zelent, Mr. Ivan Vasilevich Chetin, Mr. Zaurbi Akhmedovich Nakhushiev, Ms. Yelena Vasilevna Volkova and Ms. Raisa Stepanovna Boldyreva, members of a USIA Project for the Federation Council, Russian Federation.

HOUSE BILLS ON THIRD READING

Senator Maxwell moved that **HCS** for **HB 1197**, with **SCS**, **SA 4** and **SSA 1** for **SA 4** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Schneider, **SSA 1** for **SA 4** was withdrawn.

At the request of Senator Ehlmann, **SA 4** was withdrawn.

At the request of Senator Maxwell, **HCS** for **HB 1197**, with **SCS**, as amended, (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1489**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HCS** for **HB 1038**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do

pass.

RESOLUTIONS

Senator Sims offered Senate Resolution No. 1886, regarding Jack L. Pierson, Richmond Heights, which was adopted.

Senator Kenney offered Senate Resolution No. 1887, regarding Jeffery L. "Jeff" Burnside, Independence, which was adopted.

Senator McKenna offered Senate Resolution No. 1888, regarding Aaron Micah Wynn, Crystal City, which was adopted.

On motion of Senator Quick, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

Senator Scott assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Staples, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HBs 1681** and **1342**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 1681 & 1342

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1681 and 1342, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bills Nos. 1681 and 1342;
2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1681 and 1342, as amended;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Danny Staples /s/ Don Koller

/s/ Bill McKenna /s/ Gary Wiggins

/s/ Jim Mathewson /s/ Sam Leake

/s/ Walt Mueller /s/ Bill Foster

/s/ Franc Flotron /s/ Bonnie Sue Cooper

Senator Staples moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Curls--1			
Absent with leave--Senators--None			

On motion of Senator Staples, **CCS** for **SCS** for **HCS** for **HBs 1681** and **1342**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE
COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 1681 & 1342

An Act to repeal sections 43.030, 226.040 and 226.140, RSMo 1994, and sections 71.288 and 226.005, RSMo Supp. 1997, relating to transportation, and to enact in lieu thereof seven new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Westfall	Wiggins--30		
NAYS--Senators			
Bentley	Klarich	Singleton	Yeckel--4
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Banks, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1052**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1052

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 1052, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Bill No. 1052;
2. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1052;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ J.B. "Jet" Banks /s/ Louis Ford

/s/ Phil B. Curls, Sr. /s/ David L. Reynolds

/s/ Ken Jacob /s/ Mark L. Richardson

/s/ Marvin Singleton /s/ Phil Wannenmacher

/s/ Roseann Bentley /s/ Fletcher Daniels

Senator Banks moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Banks, **CCS** for **SCS** for **HB 1052**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO.
1052

An Act to repeal sections 32.105 and 32.111, RSMo Supp. 1997, and section 10 as enacted by senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and approved by the governor, relating to the workfare renovation project, and to enact in lieu thereof six new sections relating to the same subject.

Was read the 3rd time and finally passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2** for **HJR 39** and has again taken up and passed **SS No. 2** for **HJR 39**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1907** and has again taken up and passed **SCS** for **HB 1907**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1859** and has again taken up and passed **SCS** for **HB 1859**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 27**.

HOUSE CONCURRENT RESOLUTION NO. 27

BE IT RESOLVED that the members of the Missouri House of Representatives of the Eighty-ninth General Assembly, Second Regular Session, the Senate concurring therein, that the Missouri Committee on Legislative Research shall prepare and cause to be collated, indexed, printed and bound all acts and resolutions of the Eighty-ninth General Assembly, Second Regular Session, and shall examine the printed copies and compare them with and correct the same by the original rolls, together with an attestation under the hand of the Revisor of Statutes that he has compared the same with the original rolls in his office and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws and

the size and style of type shall be determined by the Revisor of Statutes; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research is authorized to print and bind copies of the acts and resolutions of the Eighty-ninth General Assembly, Second Regular Session, with appropriate indexing; and

BE IT FURTHER RESOLVED that the Revisor of Statutes is authorized to determine the number of copies to be printed.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 31**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 43**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 36**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 39**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **SB 945**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 487**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 883** and has taken up and passed **CCS** for **HCS** for **SB 883**.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SB 945**, with **HA 1**: Senators Howard, Caskey, Lybyer, Childers and Sims.

CONFERENCE COMMITTEE REPORTS

Senator McKenna, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 739**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 739

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Bill No. 739; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 739;
2. That the Senate recede from its position on Senate Bill No. 739;
3. That Conference Committee Substitute for House Committee Substitute for Senate Bill No. 739 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Bill McKenna /s/ Stephen Stoll

/s/ Danny Staples /s/ M. E. Johnson

/s/ Ken Jacob /s/ Christopher Liese

/s/ Roseann Bentley /s/ Mary Lou Sallee

/s/ Morris Westfall /s/ Don Summers

Senator McKenna moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Banks--1

Absent with leave--Senators--None

Senator Staples assumed the Chair.

On motion of Senator McKenna, **CCS** for **HCS** for **SB 739**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO.
739

An Act to repeal section 64.241, RSMo 1994, relating to regulation of subdivisions, and to enact in lieu thereof three new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Banks--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Quick announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which were referred **HS** for **HCS** for **HBs 1601, 1591, 1592, 1479** and **1615** and **HCS** for **HBs 1094, 1213, 1311** and **1428**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

PRIVILEGED MOTIONS

Senator Bentley moved that the Senate refuse to recede from its position on **SCS** for **HB 1683**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Bentley moved that the Senate refuse to recede from its position on **SCS** for **HB 1272** and grant the House a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HBs 1601, 1591, 1592, 1479** and **1615** and **HCS** for **HBs 1094, 1213, 1311** and **1428**, with **SCS**, entitled respectively:

An Act to repeal sections 337.010, 337.025 and 337.033, RSMo 1994, and sections 329.140, 337.020, 337.029 and 337.045, RSMo Supp. 1997, relating to the regulation of certain professions, and to enact in lieu thereof twenty-four new sections relating to the same subject, with penalty provisions.

An Act to repeal sections 334.738, 334.741 and 334.742, RSMo 1994, and sections 329.265, 334.735, 334.736, 334.740, 334.749, 339.710, 339.720, 339.730, 339.740, 339.770, 339.780, 339.800, 339.810, 339.820 and 339.830,

RSMo Supp. 1997, relating to regulation and licensing of certain professionals, and to enact in lieu thereof twenty new sections relating to the same subject, with an effective date for certain sections.

Were taken up by Senator Scott.

SCS for HS for HCS for HBs 1601, 1591, 1592, 1479 and 1615 and HCS for HBs 1094, 1213, 1311 and 1428, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1601, 1591, 1592, 1479 and 1615 AND
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1094, 1213, 1311 and 1428

An Act to repeal sections 334.738, 334.741, 334.742, 337.010, 337.025, 337.033, 339.503, 339.505, 339.509, 339.511, 339.513, 339.515, 339.517, 339.519, 339.523, 339.527, 339.529, 339.530, 339.532 and 339.545, RSMo 1994, and sections 329.140, 329.265, 330.010, 334.735, 334.736, 334.740, 334.749, 337.020, 337.029, 337.045, 339.507, 339.710, 339.720, 339.730, 339.740, 339.770, 339.780, 339.800, 339.810, 339.820 and 339.830, RSMo Supp. 1997, relating to the regulation of certain professions, and to enact in lieu thereof ninety-nine new sections relating to the same subject, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Scott moved that SCS for HS for HCS for HBs 1601, 1591, 1592, 1479 and 1615 and HCS for HBs 1094, 1213, 1311 and 1428 be adopted.

Senator Johnson offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 18, Section 330.010, Line 27, by inserting after all of said line the following:

"334.010. **1.** It shall be unlawful for any person not now a registered physician within the meaning of the law to practice medicine or surgery in any of its departments, **to engage in the practice of medicine across state lines** or to profess to cure and attempt to treat the sick and others afflicted with bodily or mental infirmities, or engage in the practice of midwifery in this state, except as herein provided.

2. For the purposes of this chapter, the practice of medicine across state lines shall mean:

(1) The rendering of a written or otherwise documented medical opinion concerning the diagnosis or treatment of a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent; or

(2) The rendering of treatment to a patient within this state by a physician located outside this state as a result of transmission of individual patient data by electronic or other means from within this state to such physician or physician's agent.

3. A physician located outside of this state shall not be required to obtain a license when:

- (1) In consultation with a physician licensed to practice medicine in this state; and
- (2) The physician licensed in this state retains ultimate authority and responsibility for the diagnosis or diagnoses and treatment in the care of the patient located within this state; or
- (3) Evaluating a patient or rendering an oral, written or otherwise documented medical opinion, or when providing testimony or records for the purpose of any civil or criminal action before any judicial or administrative proceeding of this state or other forum in this state; or
- (4) Participating in a utilization review pursuant to section 376.1350, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 70, Section 339.855, Line 5, by inserting immediately after said line the following:

"345.010. [This chapter] **Sections 345.010 to 345.080** may be cited as the "Licensure Act for Speech-Language Pathologists and [Clinical] Audiologists".

345.015. As used in [this chapter] **sections 345.010 to 345.080**, the following terms mean:

(1) ["Audiology", the application of principles, methods and procedures related to hearing and the disorders of hearing and to related language and speech disorders. "Disorders" include any and all conditions, whether of organic or nonorganic origin, peripheral or central, that impede the normal process of human communication including, but not limited to, disorders of auditory sensitivity, acuity, function or processing;] **"Audiologist", a person who is licensed as an audiologist pursuant to sections 345.010 to 345.080 to practice audiology;**

(2) **"Audiology aide", a person who is registered as an audiology aide by the board, who does not act independently but works under the direction and supervision of a licensed audiologist. Such person assists the audiologist with activities which require an understanding of audiology but do not require formal training in the relevant academics. To be eligible for registration by the board, each applicant shall submit a registration fee, be of good moral and ethical character; and:**

(a) **Be at least eighteen years of age;**

(b) **Furnish evidence of the person's educational qualifications which shall be at a minimum:**

a. **Certification of graduation from an accredited high school or its equivalent; and**

b. **On the job training;**

(c) **Be employed in a setting in which direct and indirect supervision are provided on a regular and systematic basis by a licensed audiologist. However, the aide shall not administer or interpret hearing screening or diagnostic tests, fit or dispense hearing instruments, make ear impressions, make diagnostic statements, determine case selection, present written reports to anyone other than the supervisor without the signature of the supervisor, make referrals to other professionals or agencies, use a title other than speech-language pathology aide or clinical audiology aide, develop or modify treatment plans, discharge clients from treatment or terminate treatment, disclose clinical information, either orally or in writing, to anyone other than the supervising speech-language pathologist/ audiologist, or perform any procedure for which he or she is not qualified, has not been**

adequately trained or both;

[(2)] **(3)** "Board", the state board of **registration for the** healing arts;

(4) "Clinical fellowship", the supervised professional employment period following completion of the academic and practicum requirements of an accredited training program as defined in sections 345.010 to 345.080;

[(3)] **(5)** "Commission", the advisory commission for speech-language pathologists and [clinical] audiologists;

(6) "Hearing instrument" or "hearing aid", any wearable device or instrument designed for or offered for the purpose of aiding or compensating for impaired human hearing and any parts, attachments or accessories, including ear molds, but excluding batteries, cords, receivers and repairs;

[(4)] **(7)** "Person", any individual, organization, or corporate body, except that only individuals may be licensed [under this chapter] **pursuant to sections 345.010 to 345.080;**

[(5)] "Practice of audiology":

(a) Rendering or offering to render to individuals or groups of individuals who have, or are suspected of having, disorders of hearing, any service in audiology, including prevention, identification, evaluation, interpretation, consultation, habilitation, rehabilitation, instruction and research;

(b) Participating in hearing conservation, hearing aid and assistive listening device evaluation, prescription, preparation and orientation;

(c) Fabricating ear molds;

(d) Providing auditory training and speech reading;

(e) Conducting assessment, monitoring and consultation of evoked nerve potentials;

(f) Conducting tests of vestibular function;

(g) Evaluating tinnitus; and

(h) Planning, directing, conducting or supervising services.

The practice of audiology may include speech or language screening limited to a pass/fail determination, for the purpose of initial identification of individuals with other disorders of communication;

(6) "Practice of speech-language pathology":

(a) Rendering or offering to render to individuals or groups of individuals who have, or are suspected of having, disorders of communication, any service in speech-language pathology including prevention, identification, evaluation, consultation, habilitation, rehabilitation, instruction and research;

(b) Determining the need for personal augmentative communication systems, recommending such systems; and

(c) Planning, directing, conducting or supervising services.

The practice of speech-language pathology may include puretone air conduction hearing screening, screening tympanometry and acoustic reflex screening, limited to a pass/fail determination, for the purpose of performing a speech and language evaluation or for the initial identification of individuals with other disorders of communication. The practice of speech-language pathology may also include "aural rehabilitation" which is defined as services and procedures for facilitating adequate receptive and expressive communication in individuals with hearing impairment;

(7) "Clinical audiologist", any person who, for a fee, represents himself to the public by title or description of services, methods, or procedures as one who evaluates, examines, treats, or counsels persons suffering from disorders or conditions affecting the hearing or audition. A person is deemed to be an audiologist if he provides such services to the public under any title incorporating such terms as "audiology", "audiologist", "audiological", "hearing clinic", "hearing clinician", "hearing therapist", or any similar titles not otherwise permitted by law;

(8) "Speech-language pathologist", any person who, for a fee, represents himself to the public by title, description of services, methods, or procedures as one who evaluates, examines, treats, or counsels persons suffering from conditions or disorders affecting speech, voice and language. A person is deemed to be a speech-language pathologist, if the person offers such services under any title incorporating such words as "speech-language pathologist", "speech pathologist", "speech therapy", "speech correction", "speech correctionist", "speech therapist", "speech clinic", "speech clinician", "logopedist", "communicologist", "language therapist", "language clinician", "voice pathologist", "phoniatriest", or any similar titles;

(9) "Speech-language pathology", the application of principles, methods and procedures related to the development and disorders of human communication. "Disorders" include any and all conditions, whether of organic or nonorganic origin, that impede the normal process of human communication including, but not limited to, disorders and related disorders of speech articulation, fluency, voice, verbal and written language, auditory comprehension, cognition/communication, and oral, pharyngeal or laryngeal sensorimotor competencies;

(10) "Speech pathology aide" and "audiology aide", any person meeting the minimum requirements to be established by the state committee of examiners for speech-language pathology and audiology, who works directly under the supervision of a licensed speech-language pathologist or clinical audiologist, respectively.]

(8) "Practice of audiology":

(a) The application of accepted audiologic principles, methods and procedures for the measurement, testing, interpretation, appraisal and prediction related to disorders of the auditory system, balance system or related structures and systems;

(b) Provides consultation, counseling to the patient, client, student, their family or interested parties;

(c) Provides academic, social and medical referrals when appropriate;

(d) Provides for establishing goals, implementing strategies, methods and techniques, for habilitation, rehabilitation or aural rehabilitation, related to disorders of the auditory system, balance system or related structures and systems;

(e) Provides for involvement in related research, teaching or public education;

(f) Provides for rendering of services or participates in the planning, directing or conducting of programs which are designed to modify audition, communicative, balance or cognitive disorder, which may involve speech and language or education issues;

(g) Provides and interprets behavioral and neurophysiologic measurements of auditory balance, cognitive processing and related functions, including intraoperative monitoring;

(h) Provides involvement in any tasks, procedures, acts or practices that are necessary for evaluation of audition, hearing, training in the use of amplification or assistive listening devices;

(i) Provides selection and assessment of hearing instruments;

(j) Provides for taking impressions of the ear, making custom earmolds, ear plugs, swim molds and industrial noise protectors;

- (k) Provides assessment of external ear and cerumen management;**
- (l) Provides advising, fitting, mapping assessment of implantable devices such as cochlear or auditory brain stem devices;**
- (m) Provides information in noise control and hearing conservation including education, equipment selection, equipment calibration, site evaluation and employee evaluation;**
- (n) Provides performing basic speech-language screening test;**
- (o) Provides involvement in social aspects of communication, including challenging behavior and ineffective social skills, lack of communication opportunities;**
- (p) Provides support and training of family members and other communication partners for the individual with auditory balance, cognitive and communication disorders;**
- (q) Provides aural rehabilitation and related services to individuals with hearing loss and their families;**
- (r) Evaluates, collaborates and manages audition problems in the assessment of the central auditory processing disorders and providing intervention for individuals with central auditory processing disorders;**
- (s) Develops and manages academic and clinical problems in communication sciences and disorders;**
- (t) Conducts, disseminates and applies research in communication sciences and disorders;**
- (9) "Practice of speech-language pathology":**
 - (a) Provides screening, identification, assessment, diagnosis, treatment, intervention, including but not limited to, prevention, restoration, amelioration and compensation, and follow-up services for disorders of:**
 - a. Speech: articulation, fluency, voice, including respiration, phonation and resonance;**
 - b. Language, involving the parameters of phonology, morphology, syntax, semantics and pragmatic; and including disorders of receptive and expressive communication in oral, written, graphic and manual modalities;**
 - c. Oral, pharyngeal, cervical esophageal and related functions, such as, dysphagia, including disorders of swallowing and oral functions for feeding; orofacial myofunctional disorders;**
 - d. Cognitive aspects of communication, including communication disability and other functional disabilities associated with cognitive impairment;**
 - e. Social aspects of communication, including challenging behavior, ineffective social skills, lack of communication opportunities;**
 - (b) Provides consultation and counseling and makes referrals when appropriate;**
 - (c) Trains and supports family members and other communication partners of individuals with speech, voice, language, communication and swallowing disabilities;**
 - (d) Develops and establishes effective augmentative and alternative communication techniques and strategies, including selecting, prescribing and dispensing of argumentative aids and devices; and the training of individuals, their families and other communication partners in their use;**
 - (e) Selects, fits and establishes effective use of appropriate prosthetic/adaptive devices for speaking and swallowing, such as tracheoesophageal valves, electrolarynges, speaking valves;**

(f) Uses instrumental technology to diagnose and treat disorders of communication and swallowing, such as videofluoroscopy, nasendoscopy, ultrasonography and stroboscopy;

(g) Provides aural rehabilitative and related counseling services to individuals with hearing loss and to their families;

(h) Collaborates in the assessment of central auditory processing disorders in cases in which there is evidence of speech, language or other cognitive communication disorders; provides intervention for individuals with central auditory processing disorders;

(i) Conducts pure-tone air conduction hearing screening and screening tympanometry for the purpose of the initial identification or referral;

(j) Enhances speech and language proficiency and communication effectiveness, including but not limited to, accent reduction, collaboration with teachers of English as a second language and improvement of voice, performance and singing;

(k) Trains and supervises support personnel;

(l) Develops and manages academic and clinical programs in communication sciences and disorders;

(m) Conducts, disseminates and applies research in communication sciences and disorders;

(n) Measures outcomes of treatment and conducts continuous evaluation of the effectiveness of practices and programs to improve and maintain quality of services;

(10) "Speech-language pathologist", a person who is licensed as a speech-language pathologist pursuant to sections 345.010 to 345.080; who engages in the practice of speech-language pathology as defined in sections 345.010 to 345.080;

(11) "Speech-language pathology aide", a person who is registered as a speech-language aide by the board, who does not act independently but works under the direction and supervision of a licensed speech-language pathologist. Such person assists the speech-language pathologist with activities which require an understanding of speech-language pathology but does not require formal training in the relevant academics. To be eligible for registration by the board, each applicant shall submit a registration fee, be of good moral and ethical character; and:

(a) Be at least eighteen years of age;

(b) Furnish evidence of the person's educational qualifications which shall be at a minimum:

a. Certification of graduation from an accredited high school or its equivalent; and

b. On the job training;

(c) Be employed in a setting in which direct and indirect supervision is provided on a regular and systematic basis by a licensed speech-language pathologist. However, the aide shall not administer or interpret hearing screening or diagnostic tests, fit or dispense hearing instruments, make ear impressions, make diagnostic statements, determine case selection, present written reports to anyone other than the supervisor without the signature of the supervisor, make referrals to other professionals or agencies, use a title other than speech-language pathology aide or clinical audiology aide, develop or modify treatment plans, discharge clients from treatment or terminate treatment, disclose clinical information, either orally or in writing, to anyone other than the supervising speech-language pathologist/audiologist, or perform any procedure for which he or she is not qualified, has not been adequately trained or both;

(12) "Speech-language pathology assistant", a person who is registered as a speech-language pathology assistant by the board, who does not act independently but works under the direction and supervision of a licensed speech-language pathologist and whose activities require both academic and practical training in the field of speech-language pathology although less training than those established by sections 345.010 to 345.080 as necessary for licensing as a speech-language pathologist. To be eligible for registration by the board, each applicant shall submit the registration fee, be of good moral character; and:

(a) Furnish evidence of the person's educational qualifications which meet the following:

a. Hold a bachelor's level degree in speech language pathology or an associate's degree as a speech language pathology assistant from an institution accredited or approved by the Council on Academic Accreditation of the American Speech-Language-Hearing Association in the area of speech-language pathology; and

b. Submit official transcripts from one or more accredited colleges or universities presenting evidence of the completion of bachelor's or associate's level coursework and clinical practicum requirements equivalent to that required or approved by the Council on Academic Accreditation of the American Speech-Language-Hearing Association;

(b) The requirements of paragraph (a) of this subdivision shall be the minimum requirements for a speech-language pathology assistant until January 1, 2005. After January 1, 2005, to be eligible for registration by the board, each applicant shall submit the registration fee, be of good moral character and furnish evidence of the person's educational qualifications which meet the following:

a. Hold a minimum of an associate's degree as a speech-language pathology assistant from an institution accredited or approved by the Council on Academic Accreditation of the American Speech-Language-Hearing Association; and

b. Submit official transcripts from one or more accredited colleges or universities presenting evidence of the completion of coursework and clinical practicum requirements equivalent to that required or approved by the Council on Academic Accreditation of the American Speech-Language-Hearing Association;

(c) Furnish evidence of successful completion of a uniform, functionally based proficiency evaluation as determined by the board;

(d) The individuals meeting the requirements prior to January 1, 2005, may be granted continued registration from the board provided the individual meets the following:

a. Furnish evidence of employment in which direct and indirect supervision have been provided on a regular and systematic basis by a licensed speech-language pathologist; and

b. The individual is in good standing with the board with regard to practice prior to January 1, 2005.

345.020. 1. Licensure or registration shall be granted in either speech-language pathology or [clinical] audiology independently. A person may be licensed or registered in both areas if the person is qualified. Each licensed or registered person shall display the license or certificate prominently in the person's place of practice.

2. No person shall practice or hold himself or herself out as being able to practice speech-language pathology or [clinical] audiology in this state [for a fee] unless the person is licensed in accordance with the provisions of [this chapter] sections 345.010 to 345.080. Nothing in [this chapter] sections 345.010 to 345.080, however, shall be construed to prevent a qualified person licensed in this state under any other law from engaging in the profession for which the person is licensed, and a licensed physician or surgeon may practice speech-language pathology or [clinical] audiology without being licensed in accordance with the provisions of [this chapter] sections 345.010 to 345.080.

3. No person shall hold himself or herself out as being a speech-language pathologist in this state unless the person is licensed as provided in sections 345.010 to 345.080. Any person who, in any manner, represents himself

or herself as a speech-language pathologist or who uses in connection with such person's name the words or letters: "speech-language pathologist", "speech pathologist", "speech therapy", "speech therapist", "speech clinic", "speech clinician", "S.L.P.", "language specialist", "logopedist" or any other letters, words, abbreviations or insignia, indicating or implying that the person is a speech-language pathologist without a valid existing license is guilty of a class B misdemeanor.

4. No person shall hold himself or herself out as being an audiologist in this state unless the person is licensed as provided in sections 345.010 to 345.080. Any person who, in any manner, represents himself or herself as an audiologist or who uses in connection with such person's name the words: "audiology", "audiologist", "audiological", "hearing clinic", "hearing clinician", "hearing therapist" or any other letters, words, abbreviations or insignia, indicating or implying that the person is an audiologist without a valid existing license is guilty of a class B misdemeanor.

5. No person shall hold himself or herself out as being a speech-language pathology assistant or aide or audiology aide in this state unless the person is registered as provided in sections 345.010 to 345.080.

6. Nothing in [this chapter] sections 345.010 to 345.080 shall prohibit a corporation, partnership, trust, association, or other like organization from engaging in the business of speech-language pathology or [clinical] audiology without [certification] licensure if it employs licensed natural persons in the direct practice of speech-language pathology or [clinical] audiology. Any such corporation, partnership, trust, association, or other like organization shall also file with the board a statement, on a form approved by the board, that it submits itself to the rules and regulations of the board and the provisions of [this chapter] sections 345.010 to 345.080 which the board shall deem applicable to it.

345.022. 1. Any person in the person's clinical fellowship as defined in sections 345.010 to 345.080 shall hold a provisional license to practice speech-language pathology or audiology. The board may issue a provisional license to an applicant who:

(1) [Except for the postgraduate experience, meets the academic practicum and examination requirements of this chapter] **Has met the requirements for practicum and academic requirements from an accredited training program as defined in sections 345.010 to 345.080;**

(2) Submits an application to the board on a form prescribed by the board. Such form shall include a plan for the content and supervision of the [postgraduate experience] **clinical fellowship, as well as evidence of good moral and ethical character;** and

(3) [Pay] **Submits** to the board an application fee, as set by the board, for the provisional license.

2. A provisional license is effective for one year and may [not be renewed more than one time.] **be extended for an additional twelve months only for purposes of completing the post-graduate clinical experience portion of the clinical fellowship; provided that, the applicant has passed the national examination and shall hold a master's degree from an approved training program in his or her area of application.**

3. **Within twelve months of issuance of the provisional license, the applicant shall pass an examination promulgated or approved by the board.**

4. **Within twelve months of issuance of a provisional license, the applicant shall complete the master's or doctoral degree from an institution accredited by the Council on Academic Accreditation of the American Speech-Language-Hearing Association in the area in which licensure is sought.**

345.025. 1. The provisions of [this chapter] sections 345.010 to 345.080 do not apply to:

(1) The activities, services, and the use of an official title on the part of a person in the employ of a federal agency insofar as such services are part of the duties of the person's office or position with such agency;

(2) The activities and services of certified teachers of the deaf;

(3) The activities and services of a student[, intern, or trainee] in speech-language pathology or [clinical] audiology pursuing a course of study at a university or college that has been approved by its regional accrediting association, or working in a recognized training center, if these activities and services constitute a part of the person's course of study supervised by a [certified] **licensed** speech-language pathologist or [clinical] audiologist **as provided in section 345.050**;

(4) [The activities and services of a person who has recently become a resident of the state and who has made application for licensing with or without examination, if the person was authorized by the laws of the state or country of the person's former residence to perform such activities or service;

(5)] The activities and services of [licensed] physicians and surgeons **licensed pursuant to chapter 334, RSMo**;

[(6)] **(5)** Audiometric technicians **who are** certified by the council for accreditation of occupational hearing conservationists when conducting pure tone air conduction audiometric tests for purposes of industrial hearing conservation [or to] **and** comply with requirements of the federal Occupational Safety and Health Administration;

[(7)] **(6)** A person who holds a current valid certificate as a speech-language pathologist issued by the Missouri [state] department of elementary and secondary education and who [provides speech-language pathology services with an educational agency, as long as that person remains in the employ of such agency] **is an employee of a public school while providing speech-language pathology services in such school system.**

2. No one shall be exempt [under] **pursuant to** subdivision (1) or [(7)] **(6)** of subsection 1 of this section if the person does any work as a speech-language pathologist or [clinical] audiologist **outside of the exempted areas outlined in section 345.025** for which a fee **or compensation** may be paid by the recipient of the service. When college or university clinics charge a fee, supervisors of student clinicians [must] **shall** be licensed.

345.030. 1. The board shall administer, coordinate, and enforce the provisions of [this chapter] **sections 345.010 to 345.080**, evaluate the qualifications of applicants, supervise the examination of applicants, issue licenses, and shall investigate persons engaging in practices which appear to violate the provisions of [this chapter] **sections 345.010 to 345.080**.

2. The board shall conduct such hearings and keep such records and minutes as shall be necessary to an orderly dispatch of business.

3. The board shall adopt reasonable rules and regulations which establish ethical standards of practice and may amend or repeal the same.

4. Regular meetings of the [board] **commission** shall be held at such times and places as it prescribes, and special meetings may be held upon the call of the [chairman] **chairperson** or by request of at least two other members of the [board] **commission**, but at least one regular meeting shall be held each year.

5. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided in this section, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided in this section.

6. Upon filing any proposed rule with the secretary of state, the board shall concurrently submit such proposed rule to the committee, which may hold hearings upon any proposed rule or portion thereof at any time.

7. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty- day period, the board may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

8. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;
- (2) An emergency relating to public health, safety or welfare;
- (3) The proposed rule is in conflict with state law;
- (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based.

9. If the committee disapproves any rule or portion thereof, the board shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

10. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratify the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

11. Upon adoption of a rule as provided in this section, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV of the Constitution of Missouri, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.] **No rule or portion of a rule promulgated pursuant to the authority of sections 345.010 to 345.080 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.**

345.035. 1. The board may, within the limits of appropriations [made therefor], employ such board personnel as defined in subdivision (4) of subsection 15 of section 620.010, RSMo, as may be necessary to carry out its duties.

2. All expenses of the board shall be paid only from appropriations made for that purpose from the board of registration for the healing arts fund.

345.045. All moneys received [under this chapter] **pursuant to sections 345.010 to 345.080** shall be collected by the division of professional registration and shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the board of registration for the healing arts fund.

345.050. 1. To be eligible for licensure by the board by examination, each applicant [must pay] **shall submit** the [licensing examination] **application** fee and [must] **shall furnish evidence of such person's good moral and ethical character, current competence and shall:**

- (1) Hold a master's or a doctoral degree from an institution accredited by the [Educational Standards Board] **Council on Academic Accreditation** of the American Speech- Language-Hearing Association in the area in which licensure is sought;
- (2) Submit **official** transcripts from one or more accredited colleges or universities presenting evidence of the completion of coursework and clinical practicum requirements equivalent to that required by the [Educational Standards Board] **Council on Academic Accreditation** of the American Speech-Language-Hearing Association;
- (3) Present written evidence [from employers or supervisors of full-time professional employment, or equivalent, as required by the American Speech-Language-Hearing Association and pertinent to the license being sought] **of completion of clinical fellowship as defined in subdivision (4) of section 345.015 from supervisors.** The experience required by this subdivision shall follow the completion of the requirements of subdivisions (1) and (2) of this

subsection. This period of employment [must] **shall** be under the direct supervision of [one] **a person** who is licensed by the state of Missouri in the profession in which the applicant seeks to be licensed [or so licensed in another state having standards comparable to those of Missouri, or holding the certificate of clinical competence issued by the American Speech-Language-Hearing Association in the profession in which the applicant seeks to be licensed];

(4) Pass an examination promulgated [and] **or** approved by the board. The board shall determine the subject and scope of the examinations. [Written examinations may be supplemented by oral examinations. An applicant who fails the examination may be reexamined at a subsequent date upon payment of another licensing examination fee.]

2. To be eligible for licensure by the board without examination, each applicant [must pay a fee equivalent to the licensing examination fee and must be of good moral character and either] **shall make application on forms prescribed by the board, submit the application fee and shall be of good moral and ethical character, submit an activities statement and meet one of the following requirements:**

(1) [Present proof of current licensure in a state which has standards at least equivalent to those of this state] **The board shall issue a license to any speech-language pathologist or audiologist who is licensed in another jurisdiction and who has had no violations, suspension or revocations of a license to practice speech-language pathology or audiology in any jurisdiction; provided that, such person is licensed in a jurisdiction whose requirements are substantially equal to, or greater than, Missouri at the time the applicant applies for licensure; or**

(2) Hold the certificate of clinical competence issued by the American Speech-Language-Hearing Association [in speech pathology and audiology] in the area in which licensure is sought.

345.051. 1. Every person licensed [under the provisions of this chapter] **or registered pursuant to the provisions of sections 345.010 to 345.080** shall renew the license on or before the renewal date. Such renewal date shall be determined by the board. The application shall be made on a form furnished by the board. The application shall include, but not be limited to, disclosure of the applicant's full name and the applicant's office and residence addresses and the date and number of the applicant's license, [and] all final disciplinary actions taken against the applicant by any speech-language-hearing association or society, state, territory, federal agency or country **and information concerning the applicant's current physical and mental fitness to practice as a speech-language pathologist or audiologist.**

2. A blank form for application for license renewal shall be mailed to each person licensed in this state at the person's last known office or residence address. The failure to mail the form of application or the failure to receive it does not, however, relieve any person of the duty to renew the license and pay the fee required by [this chapter nor exempt the person from the penalties provided by this chapter] **sections 345.010 to 345.080** for failure to renew the license.

3. An applicant for renewal of a license pursuant to this section shall:

(1) [Pay] **Submit** an amount established by the board; and

(2) Meet any other requirements the board establishes as conditions for license renewal, including the demonstration of continued competence to practice the profession for which the license is issued. A requirement of continued competence may include, but is not limited to, continuing education, examination, self-evaluation, peer review, performance appraisal or practical simulation.

[4. The board may grant a grace period for up to thirty days for renewal of an expired license if the licensee meets all the other requirements for renewal and pays the renewal fee and any late fee which is established by the board.

5.] **4.** If a license is suspended pursuant to section 345.065, the license expires on the expiration date as established by the board for all licenses issued pursuant to [this chapter] **sections 345.010 to 345.080**. Such license may be renewed but does not entitle the licensee to engage in the licensed activity or in any other conduct or activity which violates the order of judgment by which the license was suspended until such license has been reinstated.

[6.] **5.** If a license is revoked on disciplinary grounds pursuant to section 345.065, the license expires on the expiration date as established by the board for all licenses issued pursuant to [this chapter] **sections 345.010 to 345.080**. Such

license may not be renewed. If a license is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee that is equal to the renewal fee in effect on the last regular renewal date immediately preceding the date of reinstatement plus any late fee established by the board.

345.055. 1. The board shall charge a license **or registration** renewal fee for each license **or registration** renewed. Persons possessing the required training and qualifications to be licensed **or registered** as both a speech-language pathologist and [clinical] audiologist shall receive both licenses, which for the purposes of this section shall be considered as a single license **or certificate**. Duplicate licenses **or certificates** shall be issued without additional charge to persons practicing in more than one location. Persons who allow their licenses to lapse [must pay] **shall submit** a reinstatement fee, and if the license has lapsed for more than a three-year period, the board [shall] **may** require reexamination.

2. The fees prescribed by section 345.051 and this section shall be exclusive, and notwithstanding any other provision of law, no municipality may require any person licensed [under the provisions of this chapter] **pursuant to the provisions of sections 345.010 to 345.080** to furnish any bond, pass any examination, or pay any license fee or occupational tax.

3. The board shall set the amount of the fees which [this chapter] **sections 345.010 to 345.080** authorizes and requires by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering [this chapter] **sections 345.010 to 345.080**.

345.065. 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to [this chapter] **sections 345.010 to 345.080** for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo. **As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefore, the date such action shall become effective and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.**

2. The [advisory commission] **board** may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by [this chapter] **sections 345.010 to 345.080** or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by [this chapter] **sections 345.010 to 345.080**;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated [under this chapter] **pursuant to sections 345.010 to 345.080**, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to [this chapter] **sections 345.010 to 345.080** or in obtaining permission to take any examination given or required pursuant to [this chapter] **sections 345.010 to 345.080**;

- (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;
- (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by [this chapter] **sections 345.010 to 345.080**;
- (6) Violation of, or assisting or enabling any person to violate, any provision of [this chapter] **sections 345.010 to 345.080**, or of any lawful rule or regulation adopted pursuant to [this chapter] **sections 345.010 to 345.080**;
- (7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;
- (8) Disciplinary action against the holder of a license or other right to practice any profession regulated by [this chapter] **sections 345.010 to 345.080** granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;
- (9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;
- (10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by [this chapter] **sections 345.010 to 345.080** who is not registered and currently eligible to practice [under this chapter] **pursuant to sections 345.010 to 345.080**;
- (11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;
- (12) Failure to display a valid certificate or license if so required by [this chapter] **sections 345.010 to 345.080** or any rule promulgated [hereunder] **pursuant to sections 345.010 to 345.080**;
- (13) Violation of any professional trust or confidence;
- (14) Fraudulently or deceptively using a license [or], provisional license **or registration**;
- (15) Altering a license [or a], provisional license **or registration**;
- (16) Willfully making or filing a false report or record in the practice of speech-language pathology or audiology;
- (17) Using or promoting or causing the use of any misleading, deceiving, improbable or untruthful advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation;
- (18) Falsely representing the use or availability of services or advice of a physician;
- (19) Misrepresenting the applicant, licensee or holder by using the word doctor or any similar word, abbreviation or symbol if the use is not accurate or if the degree was not obtained from a regionally accredited institution;
- (20) Committing any act of dishonorable, immoral or unprofessional conduct while engaging in the practice of speech-language pathology or audiology;
- (21) Providing services or promoting the sale of devices, appliances or products to a person who cannot reasonably be expected to benefit from such services, devices, appliances or products.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed [five] **ten** years, or may suspend, for a period not to exceed three years, or revoke the license[, certificate, or permit] **or registration**.

4. The board may apply for relief by injunction, without bond, to restrain any person, partnership or corporation from engaging in any act or practice which constitutes an offense pursuant to [this chapter] **sections 345.010 to 345.080**. The [commission] **board** does not need to allege and prove that there is no adequate remedy at law to obtain an injunction. The members of the **board and the advisory** commission shall not be individually liable for applying for such relief.

[5. Any person who violates any provision of this chapter shall be guilty of a class B misdemeanor and, upon conviction thereof, shall be punished by a fine or by imprisonment, or both such fine and imprisonment.]

345.075. Any person who **practices or** holds himself **or herself** out to be a [speech pathologist,] speech-language pathologist, [or clinical] **speech-language pathology assistant or aid**, audiologist[, audiologist, hearing aid audiologist for financial consideration] **or audiology aide** without first having been licensed **or registered** is guilty of a class B misdemeanor and, upon conviction, shall be punished as provided by law. This section shall refer also to the use of the words "pathologist", "state-licensed clinic", "state registered", "state certified", "state approved", or any other term, abbreviation, or symbol when it would falsely give the impression that service is being provided by persons trained in medicine, speech-language pathology or audiology or that the licensee's service has been recommended by the state.

345.080. 1. There is hereby established an "Advisory Commission for Speech-Language Pathologists and [Clinical] Audiologists" which shall guide, advise and make recommendations to the board. The commission shall approve the examination required by section 345.050, and shall assist the board in carrying out the provisions of sections 345.010 to 345.075.

2. After August 28, [1995] **1997**, the commission shall consist of seven members, one of whom shall be a voting public member, appointed by the board of **registration for the** healing arts. Each member shall be a citizen of the United States and a resident of this state. Three members of the commission shall be licensed speech-language pathologists and three members of the commission shall be licensed [clinical] audiologists. The public member shall be at the time of appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated [under this chapter] **pursuant to sections 345.010 to 345.080** or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by [this chapter] **sections 345.010 to 345.080**, or an activity or organization directly related to any profession licensed or regulated [under this chapter] **pursuant to sections 345.010 to 345.080**. Members shall be appointed to serve three-year terms, except as provided in this subsection. Each member of the advisory commission for speech pathologists and clinical audiologists on August 28, 1995, shall become a member of the advisory commission for speech-language pathologists and clinical audiologists and shall continue to serve until the term for which the member was appointed expires. **Each member of the advisory commission for speech-language pathologists and clinical audiologists on August 28, 1997, shall become a member of the advisory commission for speech-language pathologists and audiologists and shall continue to serve until the term for which the member was appointed expires.** The first public member appointed pursuant to this subsection shall be appointed for a two-year term and the one additional member appointed pursuant to this subsection shall be appointed for a full three-year term. No person shall be eligible for reappointment who has served as a member of the advisory commission for speech pathologists and [clinical] audiologists or as a member of the commission as established on August 28, 1995, for a total of six years. The membership of the commission shall reflect the differences in levels of education [and], work experience **and geographic residence**.

3. No member of the commission shall be entitled to any compensation for the performance of the member's official duties, but each shall be reimbursed for necessary and actual expenses incurred in the performance of the member's official duties. All staff for the commission shall be provided by the board of **registration for the** healing arts.

4. The commission shall hold an annual meeting at which it shall elect from its membership a chairman and secretary. The commission may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting [must] **shall** be given to each member at least ten days prior to the date of the meeting. A quorum of the commission shall consist of a majority of its members.

5. The board of **registration for the** healing arts may remove a commission member for misconduct, incompetency or neglect of the member's official duties after giving the member written notice of the charges against such member and

an opportunity to be heard thereon."; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator House offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 85, Section 23, Line 25, by inserting after all of said line the following:

"Section 24. 1. As used in sections 24 and 25 of this act, the following terms mean:

- (1) "Body piercing", the perforation of human tissue other than an ear for a nonmedical purpose;**
- (2) "Branding", a permanent mark made on human tissue by burning with a hot iron or other instrument;**
- (3) "Controlled substance", any substance defined in section 195.010, RSMo;**
- (4) "Minor", a person under the age of eighteen;**
- (5) "Tattoo", one or more of the following:**
 - (a) An indelible mark made on the body of another person by the insertion of a pigment under the skin; or**
 - (b) An indelible design made on the body of another person by production of scars other than by branding.**

2. No person shall knowingly tattoo, brand or perform body piercing on a minor unless such person obtains the prior written informed consent of the minor's parent or legal guardian. The minor's parent or legal guardian shall execute the written informed consent required pursuant to this subsection in the presence of the person performing the tattooing, branding or body piercing on the minor, or in the presence of an employee or agent of such person. Any person who fraudulently misrepresents himself or herself as a parent is guilty of a class B misdemeanor.

3. A person shall not tattoo, brand or perform body piercing on another person if the other person is under the influence of intoxicating liquor or a controlled substance.

4. A person who violates this section is guilty of a misdemeanor and shall be fined not more than five hundred dollars. If there is a subsequent violation of this section within one year of the initial violation, such person shall be fined not less than five hundred dollars or more than one thousand dollars.

Section 25. 1. No practitioner of tattooing shall practice and no establishment in which tattoos are applied shall be operated without a license issued by the director of the department of economic development. The annual license fee for each practitioner and each establishment shall be seventy-five dollars.

2. The director of the department of economic development shall promulgate rules and regulations relative to the hygienic practice of tattooing and sanitary operations of tattoo establishments. Such rules and regulations shall include:

- (1) Standards of hygiene to be met and maintained by establishments and practitioners in order to receive and maintain a license for the practice of tattooing;**
- (2) Procedures to be used to grant, revoke or reinstate a license;**

(3) Inspection of tattoo establishments; and

(4) Any other matter necessary to the administration of this section.

3. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Kinder requested a division of the question on **SA 3**, asking that a vote first be taken on Section 24 and that a second vote be taken on Section 25, which request was granted.

Senator House moved that Part I of **SA 3** be adopted, which motion prevailed.

Senator House moved that Part II of **SA 3** be adopted, which motion prevailed on a standing division vote.

Senator Maxwell assumed the Chair.

Senator Sims offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 72, Section 620.150, Line 22, by inserting immediately after said line the following:

"650.295. Any person certified by the department of natural resources as a certified backflow prevention assembly tester shall be eligible to be registered or licensed by any county, city, town, village or other political subdivision of this state to **install, replace**, test and repair a backflow prevention assembly pursuant to the practice of his trade within that political subdivision as long as he maintains state certification."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 25, Section 334.749, Line 40, by inserting after said line the following:

"334.820. 1. No person in the state of Missouri, unless such person holds a current and valid license issued pursuant to sections 334.800 to 334.930, shall:

(1) Provide the services of a respiratory care practitioner, unless such person is otherwise exempt pursuant to section 334.900; [and]

(2) Represent himself or herself as, or hold himself or herself out, to the public by any title or description including the words, respiratory therapist, respiratory therapy technician, or inhalation therapist, or as having any similar description; [and]

(3) Advertise as, or take any action that would imply or lead the public to believe that such person is, a legitimate provider of respiratory care.

2. Nothing in sections 334.800 to 334.930 shall be construed to authorize or permit a respiratory care practitioner to practice medicine."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 1, In the Title, Line 4, by deleting the word and number "and 339.545" and inserting in lieu thereof the following: ", 339.545, 375.022 and 376.1075"; and

Further amend said bill, Page 1, In the Title, Line 8, by deleting the word "ninety-nine" and inserting in lieu thereof the following: "one hundred three"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word and number "and 339.545" and inserting in lieu thereof the following: ", 339.545, 375.022 and 376.1075"; and

Further amend said bill, Page 2, Section A, Line 6, by deleting the word "ninety-nine" and inserting in lieu thereof the following: "one hundred three"; and

Further amend said bill, Page 2, Section A, Line 15, by inserting after the number "339.855," the following: "375.022, 376.1075,"; and

Further amend said bill, Page 2, Section A, Line 16, by deleting the word and number "and 23" and inserting in lieu thereof the following: ", 23, 24 and 25"; and

Further amend said bill, Page 70, Section 339.855, Line 5, by inserting after all of said line the following:

"375.022. 1. Every insurance company authorized to provide or transact insurance in this state shall, within thirty working days of an appointment of an agent to act for such insurance company, notify the director of such appointment upon forms prescribed by the director. Each appointment will result in a ten-dollar fee. The company shall remit these fees to the department of insurance on a quarterly basis. **Such appointments may be made by appointing individual agents or by designating a licensed agency. The designation of an agency shall be deemed to appoint all agents listed by such agency pursuant to section 375.061 to act for the insurance company in the lines for which the agent is licensed and the agency is designated. Any additional agents listed by the agency pursuant to section 375.061 after the designation of the agency shall be deemed appointed for all companies with existing designations of the agency. The appointment of an agent pursuant to the provisions of this subsection shall terminate upon the agent's termination by or resignation from the agency, upon termination of the agency by the insurance company, or upon nonrenewal, suspension, surrender or revocation of the agent's license.** Every such insurance company shall notify the director within thirty working days of the termination of the appointment of any agent whether the termination is by action of the company or resignation of the agent. Each termination will result in a ten-dollar fee. When the cause of termination is for a reason that, [under] **pursuant to** the provisions of section 375.141, would permit the director to revoke, suspend or refuse to issue an agent's license, the notice shall state the cause and circumstances of the termination. The notice shall be filed promptly after termination and within such time as may be prescribed by an appropriate order or regulation of the director of the department of insurance. The director may prescribe the form upon which the notification is to be given. The director shall upon written request by the agent furnish to him **or her** a copy of all information obtained pursuant to this section.

2. Any information filed by an insurance company or obtained by the director pursuant to this section and any document, record or statement required by the director [under] **pursuant to** the provisions of this section shall be deemed confidential and absolutely privileged. There shall be no liability on the part of, and no cause of action shall arise against, any insurer, its agents or its authorized investigative sources or the director or [his] **the director's** authorized representatives in connection with any written notice required by this section made by them in good faith.

376.1075. As used in sections 376.1075 to 376.1095, the following terms mean:

(1) "Administrator", "third-party administrator" or "TPA", a person who directly or indirectly solicits or effects coverage of, underwrites, collects charges or premiums from, or adjusts or settles claims on residents of this state, or residents of another state from offices in this state, in connection with life or health insurance coverage, annuities, or workers' compensation except any of the following:

(a) An employer on behalf of its employees or the employees of one or more subsidiary or affiliated corporations of such employer;

(b) A union on behalf of its members;

(c) An insurance company which is either licensed in this state pursuant to the requirements of this chapter or chapter 379, RSMo;

(d) An insurer authorized to do insurance business in another state pursuant to similar laws, with respect to a policy lawfully issued and delivered in a state other than this state, when engaged in transacting the business of insurance as defined by this chapter and chapter 379, RSMo;

(e) A health service corporation, health maintenance organization or prepaid dental plan operating pursuant to the requirements of chapter 354, RSMo, when engaged in its duties of providing health care or dental services and indemnifying its members;

(f) A life or health agent or broker licensed in this state, whose activities are limited exclusively to the sale of insurance;

(g) A creditor on behalf of its debtors with respect to insurance covering a debt between the creditor and its debtors;

(h) A trust, its trustees, agents and employees acting thereunder, established in conformity with 29 U.S.C. 186;

(i) A trust exempt from taxation under section 501(a) of the Internal Revenue Code, its trustees, and employees acting thereunder;

(j) A custodian, its agents and employees acting pursuant to a custodian account which meets the requirements of section 401(f) of the Internal Revenue Code;

(k) A bank, credit union or other financial institution which is subject to supervision or examination by federal or state banking authorities;

(l) A credit card issuing company which advances for and collects premiums or charges from its credit card holders who have authorized it to do so, provided such company does not adjust or settle claims;

(m) A person who adjusts or settles claims in the normal course of his **or her** practice or employment as an attorney at law, and who does not collect charges or premiums in connection with life or health insurance coverage or annuities;

(n) An adjuster [licensed by this state] whose activities are limited to adjustment of claims **and who is either licensed by this state or working on behalf of a licensed workers' compensation insurer;**

(o) A person licensed as an insurance agent in this state, whose activities are limited exclusively to the activities of a managing general agent;

- (2) "Affiliate" or "affiliated", any entity or person who directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, a specified entity or person;
- (3) "Control", as defined in chapter 382, RSMo;
- (4) "Director", the director of the department of insurance;
- (5) "Insurance" or "insurance coverage", any coverage offered or provided by an insurer;
- (6) "Insurer", any person undertaking to provide life or health insurance coverage, annuities or workers' compensation coverage in this state. For the purposes of sections 376.1075 to 376.1095, insurer includes a licensed insurance company, a prepaid hospital or medical care plan, a health maintenance organization, a multiple employer self-insured health plan, a self-insured multiple employer welfare arrangement, or any other person providing a plan of insurance subject to state insurance regulation. Insurer does not include a bona fide employee benefit plan established by an employer or an employee organization, or both, for which the insurance laws of this state are preempted pursuant to the Employee Retirement Income Security Act of 1974;
- (7) "Underwrites" or "underwriting" means, but is not limited to, the acceptance of employer or individual applications for coverage of individuals in accordance with the written rules of the insurer, the overall planning and coordinating of an insurance program, and the ability to procure bonds and excess insurance."; and

Further amend said bill, Page 85, Section 23, Line 25, by inserting after all of said line the following:

"Section 24. For a broker or agent licensed pursuant to chapter 375, RSMo, the director of the department of insurance may change such broker's or agent's anniversary date of issuance one time to coincide with the anniversary date for that broker's or agent's license.

Section 25. The director shall waive the examination for a person applying for a broker's license if such person has had a resident agent's license in more than one line of insurance for at least five years immediately preceding the time of application for a broker's license and is a resident of the state of Missouri at the time of application."

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 17, Section 329.140, Lines 75-79, by striking all of said lines.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 85, Section 23, Line 25, by adding the following: "Any lobbyist that lobbies for a registration bill shall be required to be licensed under rules established by the Department of Economic Development."

Senator Ehlmann moved that the above amendment be adopted, which motion failed.

Senator Caskey offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House and Bills Nos. 1094, 1213, 1311 and 1428, Page 85, Section 24, Line 25, by inserting after said line:

"Section 24. Each ambulance, when in use as an ambulance, shall be staffed with a minimum of one emergency medical technician and one other crew member as set forth in rules adopted by the department. When transporting a patient, at least one licensed emergency medical technician, registered nurse, or physician shall be in attendance with the patient in the patient compartment at all times."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Singleton raised the point of order that the Senate Committee Substitute is out of order in that it goes beyond the scope and purpose of the original bills.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Mathewson assumed the Chair.

Senator Westfall offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 13, Section 324.265, Line 11, by striking all of said line and inserting in lieu thereof the following: **"the coordinating board for higher education. The five hundred hours shall consist of"**; and further amend line 32, by striking the words "board of" and inserting in lieu thereof the following: **"coordinating board for"**.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 35, Section 337.033, Line 72, by inserting immediately after said line the following:

"337.035. 1. The committee may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice as provided **in** this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated pursuant to this chapter;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Being guilty of unethical conduct as defined in "Ethical Rules of Conduct" as adopted by the committee and filed with the secretary of state.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the committee may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.

4. An interested third party may file a complaint [or] **and may** appear or present evidence relative to such complaint or another complaint filed pursuant to this section. For purposes of this section, an interested third party includes a parent or guardian of a person who received treatment by a psychologist or any person who is [related within the second degree of consanguinity or affinity and who is] financially responsible for the payment of such treatment."; and

Further amend said bill, page 70, Section 339.855, line 5, by inserting immediately after said line the following:

"538.400. For the purposes of sections 538.400 to 538.417, the following terms mean:

- (1) "Emotionally dependent", the nature of the patient's or former patient's emotional condition and the nature of the treatment provided by the psychotherapist are such that the psychotherapist knows, or by the standards of acceptable psychological practice should know, that the patient or former patient is unable to withhold consent to sexual contact by the psychotherapist;**
- (2) "Former patient", a person who was given psychotherapy within two years prior to sexual contact with the psychotherapist;**
- (3) "Patient", a person who seeks or obtains psychotherapy;**
- (4) "Psychotherapist", a physician, psychologist, nurse, chemical dependency counselor, social worker, marriage and family therapist, mental health service provider or other person, whether or not licensed by the state, who performs or purports to perform psychotherapy;**
- (5) "Psychotherapy", is the practice of psychology as defined in section 337.015, RSMo;**
- (6) "Sexual contact", any of the following, whether or not occurring with the consent of a patient or former patient:**
 - (a) Sexual intercourse, cunnilingus, fellatio, anal intercourse or any intrusion, however slight, into the genital or anal openings of the patient's or former patient's body by any part of the psychotherapist's body or by any object used by the psychotherapist for such purpose, or any intrusion, however slight, into the genital or anal openings of the psychotherapist's body by any part of the patient's or former patient's body or by any object used by the patient or former patient for such purpose, if agreed to by the psychotherapist;**
 - (b) Kissing of, or the intentional touching by the psychotherapist of the patient's or former patient's genital area, groin, inner thigh, buttock or breast or of the clothing covering any of these body parts;**
 - (c) Kissing of, or the intentional touching by the patient or former patient of the psychotherapist's genital area, groin, inner thigh, buttocks or breast or of the clothing covering any of these body parts if the psychotherapist agrees to the kissing or intentional touching.**

Sexual contact includes requests by the psychotherapist for conduct described in paragraphs (a) to (c) of this subdivision. Sexual contact does not include conduct described in paragraph (a) or (b) that is a part of standard medical treatment of a patient;

(7) "Therapeutic deception", a representation by a psychotherapist that sexual contact with the psychotherapist is consistent with or part of the patient's or former patient's treatment.

538.405. 1. A cause of action against a psychotherapist or a professional or semi-professional whose occupation includes counseling for sexual exploitation exists for a patient or former patient for injury caused by sexual contact with the psychotherapist or a professional or semi-professional whose occupation includes counseling, if the sexual contact occurred during the period the patient was receiving psychotherapy from the psychotherapist or a professional or semi-professional whose occupation includes counseling if:

- (1) The former patient was emotionally dependent on the psychotherapist or a professional or semi-professional whose occupation includes counseling; or**
- (2) The sexual contact occurred by means of therapeutic deception.**

2. The patient or former patient may recover damages from a psychotherapist or a professional or semi-

professional whose occupation includes counseling who is found liable for sexual exploitation. It is not a defense to the action that sexual contact with a patient occurred outside a therapy or treatment session or that it occurred off the premises regularly used by the psychotherapist for therapy or treatment sessions.

3. Any psychotherapist or professional or semi-professional whose occupation includes counseling and who knows, or by the standards of acceptable psychological practice should know, that he or she has a dominating influence or control over the person being treated may be charged with forcible rape as provided in section 566.030, RSMo; provided such forcible compulsion is obtained by means of, but not limited to, mind altering drugs, hypnosis or the claim that sexual activity is part of the treatment, in the course of the patient performing any sexual activities with the counseling professional.

538.407. 1. An employer of a psychotherapist may be liable pursuant to section 538.405 of this act if:

(1) The employer fails or refuses to take reasonable action when the employer knows, or by the exercise of due diligence should know, that the psychotherapist engaged in sexual contact with the plaintiff or any other patient or former patient of the psychotherapist; or

(2) The employer fails, or refuses, to make inquiries of an employer or former employer, whose name and address have been disclosed to the employer and who employed the psychotherapist as a psychotherapist within the last five years, concerning the occurrence of sexual contacts by the psychotherapist with patients or former patients of the psychotherapist.

2. An employer or former employer of a psychotherapist may be liable pursuant to section 538.405 of this act if the employer or former employer:

(1) Knows, or by the exercise of due diligence should know, of the occurrence of sexual contact by the psychotherapist with patients or former patients of the psychotherapist;

(2) Receives a specific written request by another employer or prospective employer of the psychotherapist, engaged in the business of psychotherapy, concerning the existence or nature of the sexual contact; and

(3) Fails or refuses to disclose the occurrence of the sexual contacts.

3. An employer or former employer may be liable pursuant to section 538.405 of this act only to the extent that the failure or refusal to take any action required by subsections 1 or 2 of this section was a proximate and actual cause of any damages sustained by the claimant.

4. No cause of action arises, nor may a licensing board in this state take disciplinary action, against a psychotherapist's employer or former employer who by the exercise of due diligence complies with the provisions of this section.

538.410. 1. In an action for sexual exploitation, evidence of the plaintiff's sexual history is not subject to discovery except when:

(1) The plaintiff claims damage to sexual functioning; or

(2) The defendant requests a hearing prior to trial and makes an offer of proof of the relevancy of the history; and

(3) The court finds that the history is relevant and that the probative value of the history outweighs its prejudicial effect.

2. The court shall allow the discovery only of specific information or examples of the plaintiff's conduct that are determined by the court to be relevant. The court's order shall detail the information or conduct that is subject to discovery.

538.412. 1. In an action for sexual exploitation, evidence of the plaintiff's sexual history is not admissible except when:

(1) The defendant requests a hearing prior to trial and makes an offer of proof of the relevancy of the history; and

(2) The court finds that the history is relevant and that the probative value of the history outweighs its prejudicial effect.

2. The court shall allow the admission only of specific information or examples of the plaintiff's conduct that are determined by the court to be relevant. The court's order shall detail the information or conduct that is admissible and no other such evidence may be introduced.

3. Any violation of the terms of the court's order may be grounds for a new trial.

538.417. An action for sexual exploitation shall be commenced within five years after the cause of action arises.";
and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion failed.

Senator Howard offered **SA 12:**

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 8, Section 324.225, Line 7, by inserting immediately after all of said line the following:

"324.228. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated by the division of professional registration to administer and enforce sections 324.200 to 324.225, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."; and

Further amend said bill, Page 10, Section 324.245, Line 14, by inserting immediately after all of said line the following:

"3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 324.240 to 324.275, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."; and

Further amend said bill, Page 17, Section 329.140, Line 79, by inserting immediately after all of said line the following:

"329.210. 1. The board shall have power to:

- (1) Prescribe by rule for the examinations of applicants for licensure to practice the classified occupation of cosmetology and issue licenses;
- (2) Prescribe by rule for the inspection of cosmetology establishments and schools and appoint the necessary inspectors and examining assistants;
- (3) Prescribe by rule for the inspection of establishments and schools of cosmetology by persons licensed in cosmetology as to their sanitary conditions and to appoint the necessary inspectors and, if necessary, examining assistants; and set the amount of the fees which this chapter authorizes and requires, by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level sufficient to produce revenue which shall not substantially exceed the cost and expense of administering this chapter;
- (4) Employ and remove board personnel, as defined in subdivision (4) of subsection 15 of section 620.010, RSMo, as may be necessary for the efficient operation of the board, within the limitations of its appropriation;
- (5) Elect one of its members president, one vice president and one secretary; and
- (6) Determine the sufficiency of the qualifications of applicants.

2. The board shall create no expense exceeding the sum received from time to time from fees imposed pursuant to this chapter.

3. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act.**"; and

Further amend said bill, Page 18, Section 330.010, Line 27, by inserting immediately after all of said line the following:

"330.045. Every applicant for a permanent license as a podiatrist shall provide the state board of podiatry with satisfactory evidence of having successfully completed such post-graduate training in hospitals and such other clinical and surgical settings as the board may prescribe by rule. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

330.140. 1. The board shall elect one of its members president, one vice president, and one secretary. The board shall have the power to promulgate rules and regulations necessary to administer and enforce the provisions of this chapter and to adopt and use a common seal. The board shall create no expenses exceeding the sum received from time to time as fees provided by law.

2. The board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

[3. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is**

defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."; and

Further amend said bill, Page 24, Section 334.742, Line 5, by inserting immediately after all of said line the following:

"334.743. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 334.735 to 334.749, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act.**"; and

Further amend said bill, Page 37, Section 337.045, Line 69, by inserting immediately after all of said line the following:

"337.050. 1. There is hereby created and established a "State Committee of Psychologists", which shall consist of seven licensed psychologists and one public member. The state committee of psychologists existing on August 28, 1989, is abolished. Nothing in this section shall be construed to prevent the appointment of any current member of the state committee of psychologists to the new state committee of psychologists created on August 28, 1989.

2. Appointments to the committee shall be made by the governor upon the recommendations of the director of the department, upon the advice and consent of the senate. The department, prior to submitting nominations, shall solicit nominees from professional psychological associations and licensed psychologists in the state. The term of office for committee members shall be five years, and committee members shall not serve more than ten years. No person who has previously served on the committee for ten years shall be eligible for appointment. In making initial appointments to the committee, the governor shall stagger the terms of the appointees so that two members serve initial terms of two years, two members serve initial terms of three years, and two members serve initial terms of four years.

3. Each committee member shall be a resident of the state of Missouri for one year, shall be a United States citizen, and shall, other than the public member, have been licensed as a psychologist in this state for at least three years. Committee members shall reflect a diversity of practice specialties. To ensure adequate representation of the diverse fields of psychology, the committee shall consist of at least two psychologists who are engaged full time in the doctoral teaching and training of psychologists, and at least two psychologists who are engaged full time in the professional practice of psychology. In addition, the first appointment to the committee shall include at least one psychologist who shall be licensed on the basis of a master's degree who shall serve a full term of five years. Nothing in sections 337.010 to 337.090 shall be construed to prohibit full membership rights on the committee for psychologists licensed on the basis of a master's degree. If a member of the committee shall, during the member's term as a committee member, remove the member's domicile from the state of Missouri, then the committee shall immediately notify the director of the division, and the seat of that committee member shall be declared vacant. All such vacancies shall be filled by appointment of the

governor with the advice and consent of the senate, and the member so appointed shall serve for the unexpired term of the member whose seat has been declared vacant.

4. The public member shall be at the time of the public member's appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to sections 337.010 to 337.093 or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by sections 337.010 to 337.093, or an activity or organization directly related to any profession licensed or regulated pursuant to sections 337.010 to 337.093. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

5. The committee shall hold a regular annual meeting at which it shall select from among its members a chairperson and a secretary. A quorum of the committee shall consist of a majority of its members. In the absence of the chairperson, the secretary shall conduct the office of the chairperson.

6. Each member of the committee shall receive, as compensation, an amount set by the division not to exceed fifty dollars for each day devoted to the affairs of the committee and shall be entitled to reimbursement for necessary and actual expenses incurred in the performance of the member's official duties.

7. Staff for the committee shall be provided by the director of the department of economic development, through the director of the division of professional registration.

8. The governor may remove any member of the committee for misconduct, inefficiency, incompetency, or neglect of office.

9. In addition to the powers set forth elsewhere in sections 337.010 to 337.090, the division may adopt rules and regulations, not otherwise inconsistent with sections 337.010 to 337.090, to carry out the provisions of sections 337.010 to 337.090. No rule shall be adopted except in accordance with the procedures set forth in chapter 536, RSMo. The committee may promulgate, by rule, "Ethical Rules of Conduct" governing the practices of psychology which rules shall be based upon the ethical principles promulgated and published by the American Psychological Association.

10. [No rule or portion of a rule promulgated under the authority of sections 337.010 to 337.090 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 337.010 to 337.090, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act.**

11. The committee may sue and be sued in its official name, and shall have a seal which shall be affixed to all certified copies or records and papers on file, and to such other instruments as the committee may direct. All courts shall take judicial notice of such seal. Copies of records and proceedings of the committee, and of all papers on file with the division on behalf of the committee certified under the seal shall be received as evidence in all courts of record.

12. When applying for a renewal of a license pursuant to section 337.030, each licensed psychologist shall submit proof of the completion of at least forty hours of continuing education credit within the two-year period immediately preceding the date of the application for renewal of the license. The type of continuing education to be considered shall include, but not be limited to:

- (1) Attending recognized educational seminars, the content of which are primarily psychological, as defined by rule;
- (2) Attending a graduate level course at a recognized educational institution where the contents of which are primarily psychological, as defined by rule;
- (3) Presenting a recognized educational seminar, the contents of which are primarily psychological, as defined by rule;
- (4) Presenting a graduate level course at a recognized educational institution where the contents of which are primarily psychological, as defined by rule; and
- (5) Independent course of studies, the contents of which are primarily psychological, which have been approved by the committee and defined by rule. The committee shall determine by administrative rule the amount of training, instruction, self instruction or teaching that shall be counted as an hour of continuing education credit."; and

Further amend said bill, Page 56, Section 339.532, Line 95, by inserting immediately after all of said line the following:

"339.544. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated by the commission to administer and enforce sections 339.500 to 339.549, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."; and

Further amend said bill, Page 70, Section 339.830, Line 6, by inserting immediately after all of said line the following:

"339.850. [The commission shall adopt and promulgate rules and regulations to carry out sections 339.710 to 339.860. No rule or portion of a rule promulgated pursuant to the authority of sections 339.710 to 339.860 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 339.710 to 339.860, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."; and

Further amend said bill, Page 70, Section 339.855, Line 5, by inserting immediately after the word "severable" the following: **"; however nothing in this section shall be construed to affect the nonseverable grant of rulemaking authority in section 339.850";** and

Further amend said bill, Page 76, Section 5, Lines 9-12, by striking all of said lines and inserting in lieu thereof the following: **"as are necessary to administer the provisions of sections 1 to 14 of this act. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 1 to 14 of this act, shall become effective only if the agency has fully complied with all of the requirements of chapter**

536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."; and

Further amend said bill, Page 82, Section 17, Lines 31-33, by striking all of said lines and inserting in lieu thereof the following:

"5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 15 to 23 of this act, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Section 324.200.2.(6), Page 2, Line 18, following the word "therapies." to include the following: **"Medical nutrition therapy shall not be construed to permit a licensed dietitian to diagnose any medical condition, nor shall medical nutrition therapy be construed to permit a licensed dietitian to treat illness or injury except upon the referral of a physician licensed pursuant to Chapter 334, RSMo."**

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 37, Section 337.045, Line 69, by inserting immediately after said line the following:

"338.055. 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

- (1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;
- (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;
- (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;
- (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;
- (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;
- (6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;
- (7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;
- (8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;
- (9) A person is finally adjudged incapacitated by a court of competent jurisdiction;
- (10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;
- (11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;
- (12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated hereunder;
- (13) Violation of any professional trust or confidence;
- (14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;
- (15) Violation of the drug laws or rules and regulation of this state, any other state or the federal government;
- (16) The intentional act of substituting or otherwise changing the content, formula or brand of any drug prescribed by written or oral prescription without prior written or oral approval from the prescriber for the respective change in each prescription; provided, however, that nothing contained herein shall prohibit a pharmacist from substituting or changing the brand of any drug as provided under section 338.056, and any such substituting or changing of the brand of any drug as provided for in section 338.056 shall not be deemed unprofessional or dishonorable conduct unless a violation of section 338.056 occurs.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint

on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit. **The board may impose additional discipline on a licensee, registrant or permittee found to have violated any disciplinary terms previously imposed under this section or by agreement. The additional discipline may include, singly or in combination, censure, placing the licensee, registrant or permittee named in the complaint on additional probation on such terms and conditions as the board deems appropriate, which additional probation shall not exceed five years, or suspension for a period not to exceed three years, or revocation of the license, certificate or permit.**

4. If the board concludes that a pharmacist has committed an act or is engaging in a course of conduct which would be grounds for disciplinary action which constitutes a clear and present danger to the public health and safety, the board may file a complaint before the administrative hearing commission requesting an expedited hearing and specifying the activities which give rise to the danger and the nature of the proposed restriction or suspension of the pharmacist's license. Within fifteen days after service of the complaint on the pharmacist, the administrative hearing commission shall conduct a preliminary hearing to determine whether the alleged activities of the pharmacist appear to constitute a clear and present danger to the public health and safety which justify that the pharmacist's license be immediately restricted or suspended. The burden of proving that a pharmacist is a clear and present danger to the public health and safety shall be upon the state board of pharmacy. The administrative hearing commission shall issue its decision immediately after the hearing and shall either grant to the board the authority to suspend or restrict the license or dismiss the action.

5. If the administrative hearing commission grants temporary authority to the board to restrict or suspend the pharmacist's license, such temporary authority of the board shall become final authority if there is no request by the pharmacist for a full hearing within thirty days of the preliminary hearing. The administrative hearing commission shall, if requested by the pharmacist named in the complaint, set a date to hold a full hearing under the provisions of chapter 621, RSMo, regarding the activities alleged in the initial complaint filed by the board.

6. If the administrative hearing commission dismisses the action filed by the board pursuant to subsection 4 of this section, such dismissal shall not bar the board from initiating a subsequent action on the same grounds."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 85, Section 23, Line 23, by inserting immediately after said line the following:

"1. Nothing in sections 190.001 to 190.245, or any regulations promulgated pursuant to sections 190.001 to 190.245, shall be construed to authorize or require the provision of emergency service or medical treatment to any person who objects thereto on religious grounds, or to authorize or require the transportation of such person to any hospital or health care facility; provided further, nothing in such sections or regulations shall be construed to prohibit an ambulance service from transporting a person to such hospital, health care facility or institution for the care and treatment of the sick operated by and for those who rely on spiritual means alone for healing in accordance with the creed or tenets of a recognized church or religious denomination, as that person may choose."

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 85, Section 23, Line 25, by inserting immediately after said line the following:

"Section 1. Sections 1 to 11 of this act apply to all group and individual life insurance policies and certificates except:

- (1) Variable life insurance;**
- (2) Individual and group annuity contracts;**
- (3) Credit life insurance;**
- (4) Policies written by a company with less than twenty-five million dollars in annual direct written life insurance premiums;**
- (5) Life insurance policies with no illustrated death benefits on any individual exceeding ten thousand dollars;**
- (6) Life insurance policies containing guaranteed elements exclusively; or**
- (7) Single premium policies.**

Section 2. As used in sections 1 to 11 of this act, the following terms shall mean:

- (1) "Actuarial standards board", the board established by the American Academy of Actuaries to develop and promulgate standards of actuarial practice;**
- (2) "Contract premium", the gross premium that is required to be paid under a fixed premium policy, including the premium for a rider for which benefits are shown in the illustration;**
- (3) "Currently payable scale", a scale of nonguaranteed elements in effect for a policy form as of the preparation date of the illustration or declared to become effective within the next ninety-five days;**
- (4) "Disciplined current scale", a scale of nonguaranteed elements constituting a limit on illustrations currently being illustrated by an insurer that is reasonably based on actual recent historical experience, as certified annually by an illustration actuary designated by the insurer. Further guidance in determining the disciplined current scale as contained in standards established by the actuarial standards board may be relied upon if the standards:**
 - (a) Are consistent with sections 1 to 11 of this act;**
 - (b) Limit a disciplined current scale to reflect only actions that have already been taken or events that have already occurred;**
 - (c) Do not permit a disciplined current scale to include any projected trends of improvements in experience or any assumed improvements in experience beyond the illustration date; and**
 - (d) Do not permit assumed expenses to be less than minimum assumed expenses;**
- (5) "Generic name", a short title descriptive of the policy being illustrated such as "whole life", "term life" or "flexible premium adjustable life";**
- (6) "Guaranteed elements", the premiums, benefits, values, credits or charges under a policy of life insurance that are guaranteed and determined at issue;**

(7) "Illustrated scale", a scale of nonguaranteed elements currently being illustrated that is not more favorable to the policy owner than the lesser of:

(a) The disciplined current scale; or

(b) The currently payable scale;

(8) "Illustration", a presentation or depiction that includes nonguaranteed elements of a policy of life insurance over a period of years and that is one of the three types defined below:

(a) "Basic illustration", a ledger or proposal used in the sale of a life insurance policy that shows both guaranteed and nonguaranteed elements;

(b) "Supplemental illustration", an illustration furnished in addition to a basic illustration that meets the applicable requirements of sections 1 to 11 of this act, and that may be presented in a format differing from the basic illustration, but may only depict a scale of nonguaranteed elements that is permitted in a basic illustration;

(c) "In force illustration", an illustration furnished at any time after the policy that it depicts has been in force for one year or more;

(9) "Illustration actuary", an actuary meeting the requirements of section 9 of this act who certifies to illustrations based on the standard practice promulgated by the actuarial standards board;

(10) "Lapse-supported illustration", an illustration of a policy form failing the test of self-supporting illustration as defined in subdivision (16) of this section, under a modified persistency rate assumption using persistency rates underlying the disciplined current scale for the first five years and one hundred percent policy persistency thereafter;

(11) "Minimum assumed expenses", the minimum expenses that may be used in the calculation of the disciplined current scale for a policy form. The insurer may choose to designate each year the method of determining assumed expenses for all policy forms from the following:

(a) Fully allocated expenses;

(b) Marginal expenses; and

(c) A generally recognized expense table on fully allocated expenses representing a significant portion of insurance companies and approved by the National Association of Insurance Commissioners.

Marginal expenses may be used only if greater than a generally recognized expense table. If no generally recognized expense table is approved, fully allocated expenses shall be used;

(12) "Nonguaranteed elements", the premiums, benefits, values, credits or charges under a policy of life insurance that are not guaranteed or not determined at issue;

(13) "Nonterm group life", a group policy or individual policies of life insurance issued to members of an employer group or other permitted group where:

(a) Every plan of coverage was selected by the employer or other group representative;

(b) Some portion of the premium is paid by the group or through payroll deduction; and

(c) Group underwriting or simplified underwriting is used;

(14) "Policy owner", the owner named in the policy or the certificate holder in the case of a group policy;

(15) "Premium outlay", the amount of premium assumed to be paid by the policy owner or other premium payer out-of-pocket;

(16) "Self-supporting illustration", an illustration of a policy form for which it can be demonstrated that, when using experience assumptions underlying the disciplined current scale, for all illustrated points in time on or after the fifteenth policy anniversary or the twentieth policy anniversary for second-or-later-to-die policies, or upon policy expiration if sooner, the accumulated value of all policy cash flows equals or exceeds the total policy owner value available. For this purpose, policy owner value shall include cash surrender values and any other illustrated benefit amounts available at the policy owner's election.

Section 3. 1. Each insurer marketing policies to which sections 1 to 11 of this act are applicable shall notify the director of the department of insurance whether a policy form is to be marketed with or without an illustration. For all policy forms being actively marketed on August 28, 1998, the insurer shall identify in writing those forms and whether or not an illustration will be used with them. For policy forms filed after August 28, 1998, the identification shall be made at the time of filing. Any previous identification may be changed by notice to the director of the department of insurance.

2. If the insurer identifies a policy form as one to be marketed without an illustration, any use of an illustration for any policy using that form prior to the first policy anniversary is prohibited.

3. If a policy form is identified by the insurer as one to be marketed with an illustration, a basic illustration prepared and delivered in accordance with sections 1 to 11 of this act is required, except that a basic illustration need not be provided to individual members of a group or to individuals insured under multiple lives coverage issued to a single applicant unless the coverage is marketed to these individuals. The illustration furnished an applicant for a group life insurance policy or policies issued to a single applicant on multiple lives may be either an individual or composite illustration representative of the coverage on the lives of members of the group or the multiple lives covered.

4. Potential enrollees of nonterm group life subject to sections 1 to 11 of this act shall be furnished a quotation with the enrollment materials. The quotation shall show potential policy values for sample ages and policy years on a guaranteed and nonguaranteed basis appropriate to the group and the coverage. This quotation shall not be considered an illustration for purposes of sections 1 to 11 of this act, but all information provided shall be consistent with the illustrated scale. A basic illustration shall be provided at delivery of the certificate to enrollees for nonterm group life who enroll for more than the minimum premium necessary to provide pure death benefit protection. In addition, the insurer shall make a basic illustration available to any nonterm group life enrollee who requests it.

Section 4. 1. An illustration used in the sale of a life insurance policy shall satisfy the applicable requirements of sections 1 to 11 of this act, be clearly labeled "life insurance illustration" and contain the following basic information:

(1) Name of insurer;

(2) Name and business address of producer or insurer's authorized representative, if any;

(3) Name, age and sex of proposed insured, except where a composite illustration is permitted pursuant to sections 1 to 11 of this act;

(4) Underwriting or rating classification upon which the illustration is based;

(5) Generic name of policy, the company product name, if different, and form number;

(6) Initial death benefit; and

(7) Dividend option election or application of nonguaranteed elements, if applicable.

2. When using an illustration in the sale of a life insurance policy, an insurer or its producers or other authorized representatives shall not:

- (1) Represent the policy as anything other than a life insurance policy;**
- (2) Use or describe nonguaranteed elements in a manner that is misleading or has the capacity or tendency to mislead;**
- (3) State or imply that the payment or amount of nonguaranteed elements is guaranteed;**
- (4) Use an illustration that does not comply with the requirements of sections 1 to 11 of this act;**
- (5) Use an illustration that at any policy duration depicts policy performance more favorable to the policy owner than that produced by the illustrated scale of the insurer whose policy is being illustrated;**
- (6) Provide an applicant with an incomplete illustration;**
- (7) Represent in any way that premium payments will not be required for each year of the policy in order to maintain the illustrated death benefits, unless that is the fact;**
- (8) Use the term "vanish" or "vanishing premium", or a similar term that implies the policy becomes paid up, to describe a plan for using nonguaranteed elements to pay a portion of future premiums;**
- (9) Except for policies that can never develop nonforfeiture values, use an illustration that is "lapse-supported"; or**
- (10) Use an illustration that is not "self-supporting".**

3. If an interest rate used to determine the illustrated nonguaranteed elements is shown, it shall not be greater than the earned interest rate underlying the disciplined current scale.

Section 5. 1. A basic illustration shall conform with the following requirements:

- (1) The illustration shall be labeled with the date on which it was prepared;**
- (2) Each page, including any explanatory notes or pages, shall be numbered and show its relationship to the total number of pages in the illustration;**
- (3) The assumed dates of payment receipt and benefit pay-out within a policy year shall be clearly identified;**
- (4) If the age of the proposed insured is shown as a component of the tabular detail, it shall be issue age plus the numbers of years the policy is assumed to have been in force;**
- (5) The assumed payments on which the illustrated benefits and values are based shall be identified as premium outlay or contract premium, as applicable. For policies that do not require a specific contract premium, the illustrated payments shall be identified as premium outlay;**
- (6) Guaranteed death benefits and values available upon surrender, if any, for the illustrated premium outlay or contract premium shall be shown and clearly labeled guaranteed;**
- (7) If the illustration shows any nonguaranteed elements, they cannot be based on a scale more favorable to the policy owner than the insurer's illustrated scale at any duration. These elements shall be clearly labeled nonguaranteed;**
- (8) The guaranteed elements, if any, shall be shown before corresponding nonguaranteed elements and shall be**

- specifically referred to on any page of an illustration that shows or describes only the nonguaranteed elements;
- (9) The account or accumulation value of a policy, if shown, shall be identified by the name this value is given in the policy being illustrated and shown in close proximity to the corresponding value available upon surrender;
- (10) The value available upon surrender shall be identified by the name this value is given in the policy being illustrated and shall be the amount available to the policy owner in a lump sum after deduction of surrender charges, policy loans and policy loan interest as applicable;
- (11) Illustrations may show policy benefits and values in graphic or chart form in addition to the tabular form;
- (12) Any illustration of nonguaranteed elements shall be accompanied by a statement indicating that:
- (a) The benefits and values are not guaranteed;
 - (b) The assumptions on which they are based subject to change by the insurer; and
 - (c) Actual results may be more or less favorable;
- (13) If the illustration shows that the premium payer may have the option to allow policy charges to be paid using nonguaranteed values, the illustration shall clearly disclose that a charge continues to be required and that, depending on actual results, the premium payer may need to continue or resume premium outlays. Similar disclosure shall be made for premium outlay of lesser amounts or shorter durations than the contract premium. If a contract premium is due, the premium outlay display shall not be left blank or show zero unless accompanied by an asterisk or similar mark to draw attention to the fact that the policy is not paid up;
- (14) If the applicant plans to use dividends or policy values, guaranteed or nonguaranteed, to pay all or a portion of the contract premium or policy charges, or for any other purpose, the illustration may reflect those plans and the impact on future policy benefits and values.

2. A basic illustration shall include the following:

- (1) A brief description of the policy being illustrated, including a statement that it is a life insurance policy;
- (2) A brief description of the premium outlay or contract premium, as applicable, for the policy. For a policy that does not require payment of a specific contract premium, the illustration shall show the premium outlay that shall be paid to guarantee coverage for the term of the contract, subject to maximum premiums allowable to qualify as a life insurance policy pursuant to the applicable provisions of the Internal Revenue Code;
- (3) A brief description of any policy features, riders or options, guaranteed or nonguaranteed, shown in the basic illustration and the impact they may have on the benefits and values of the policy;
- (4) Identification and a brief definition of column headings and key terms used in the illustration; and
- (5) A statement containing in substance the following: "This illustration assumes that the currently illustrated nonguaranteed elements will continue unchanged for all years shown. This is not likely to occur, and actual results may be more or less favorable than those shown."

3. Following the narrative summary, a basic illustration shall include a numeric summary of the death benefits and values and the premium outlay and contract premium, as applicable. For a policy that provides for a contract premium, the guaranteed death benefits and values shall be based on the contract premium. This summary shall be shown for at least policy years five, ten and twenty and at age seventy, if applicable, on the three bases shown in subdivisions (1) to (3) of this subsection. For multiple life policies the summary shall show policy years five, ten, twenty and thirty.

- (1) Policy guarantees;**

(2) Insurer's illustrated scale;

(3) Insurer's illustrated scale used but with the nonguaranteed elements reduced as follows:

(a) Dividends at fifty percent of the dividends contained in the illustrated scale used;

(b) Nonguaranteed credited interest at rates that are the average of the guaranteed rates and the rates contained in the illustrated scale used; and

(c) All nonguaranteed charges, including but not limited to, term insurance charges, mortality and expense charges, at rates that are the average of the guaranteed rates and the rates contained in the illustrated scale used.

In addition, if coverage would cease prior to policy maturity or age one hundred, the year in which coverage ceases shall be identified for each of the three bases.

4. Statements substantially similar to the following shall be included on the same page as the numeric summary and signed by the applicant, or the policy owner in the case of an illustration provided at time of delivery, as required in sections 1 to 11 of this act:

(1) A statement to be signed and dated by the applicant or policy owner reading as follows: "I have received a copy of this illustration and understand that any nonguaranteed elements illustrated are subject to change and could be either higher or lower. The agent has told me they are not guaranteed."; and

(2) A statement to be signed and dated by the insurance producer or other authorized representative of the insurer reading as follows: "I certify that this illustration has been presented to the applicant and that I have explained that any nonguaranteed elements illustrated are subject to change. I have made no statements that are inconsistent with the illustration.".

5. (1) A basic illustration shall include the following for at least each policy year from one to ten and for every fifth policy thereafter ending at age one hundred, policy maturity or final expiration; and except for term insurance beyond the twentieth year, for any year in which the premium outlay and contract premium, if applicable, is to change:

(a) The premium outlay and mode the applicant plans to pay and the contract premium, as applicable;

(b) The corresponding guaranteed death benefit, as provided in the policy; and

(c) The corresponding guaranteed value available upon surrender, as provided in the policy.

(2) For a policy that provides for a contract premium, the guaranteed death benefit and value available upon surrender shall correspond to the contract premium.

(3) Nonguaranteed elements may be shown if described in the contract. In the case of an illustration for a policy on which the insurer intends to credit terminal dividends, they may be shown if the insurer's current practice is to pay terminal dividends. If any nonguaranteed elements are shown, they shall be shown at the same durations as the corresponding guaranteed elements, if any. If no guaranteed benefit or value is available at any duration for which a nonguaranteed benefit or value is shown, a zero shall be displayed in the guaranteed column.

Section 6. 1. A supplemental illustration may be provided so long as:

(1) It is appended to, accompanied by or preceded by a basic illustration that complies with sections 1 to 11 of this act;

(2) The nonguaranteed elements shown are not more favorable to the policy owner than the corresponding elements based on the scale used in the basic illustration;

(3) It contains the same statement required of a basic illustration that nonguaranteed elements are not guaranteed; and

(4) For a policy that has a contract premium, the contract premium underlying the supplemental illustration is equal to the contract premium shown in the basic illustration. For policies that do not require a contract premium, the premium outlay underlying the supplemental illustration shall be equal to the premium outlay shown in the basic illustration.

2. The supplemental illustration shall include a notice referring to the basic illustration for guaranteed elements and other important information.

Section 7. 1. (1) If a basic illustration is used by an insurance producer or other authorized representative of the insurer in the sale of a life insurance policy and the policy is applied for as illustrated, a copy of that illustration, signed in accordance with sections 1 to 11 of this act, shall be submitted to the insurer at the time of policy application. A copy also shall be provided to the applicant.

(2) If the policy is issued other than as applied for, a revised basic illustration conforming to the policy as issued shall be sent with the policy. The revised illustration shall conform to the requirements of sections 1 to 11 of this act, shall be labeled "Revised Illustration" and shall be signed and dated by the applicant or policy owner and producer or other authorized representative of the insurer no later than the time the policy is delivered. A copy shall be provided to the insurer and the policy owner.

2. (1) If no illustration is used by an insurance producer or other authorized representative in the sale of a life insurance policy or if the policy is applied for other than as illustrated, the producer or representative shall certify to that effect in writing on a form provided by the insurer. On the same form the applicant shall acknowledge that no illustration conforming to the policy applied for was provided and shall further acknowledge an understanding that an illustration conforming to the policy as issued will be provided no later than at the time of policy delivery. This form shall be submitted to the insurer at the time of policy application.

(2) If the policy is issued, a basic illustration conforming to the policy as issued shall be sent with the policy and signed no later than the time the policy is delivered. A copy shall be provided to the insurer and the policy owner.

3. If the basic illustration or revised illustration is sent to the applicant or policy owner by mail from the insurer, it shall include instructions for the applicant or policy owner to sign the duplicate copy of the numeric summary page of the illustration for the policy issued and return the signed copy to the insurer. The insurer's obligation pursuant to this subsection shall be satisfied if it can demonstrate that it has made a diligent effort to secure a signed copy of the numeric summary page. The requirement to make a diligent effort shall be deemed satisfied if the insurer includes in the mailing a self-addressed postage prepaid envelope with instructions for the return of the signed numeric summary page.

4. A copy of the basic illustration and a revised basic illustration, if any, signed as applicable, along with any certification that either no illustration was used or that the policy was applied for other than as illustrated, shall be retained by the insurer until three years after the policy is no longer in force. A copy need not be retained if no policy is issued.

Section 8. 1. In the case of a policy designated as one for which illustrations will be used, the insurer shall provide each policy owner with an annual report on the status of the policy that shall contain at least the following information:

(1) For universal life policies, the report shall include the following:

- (a) The beginning and end date of the current report period;
 - (b) The policy value at the end of the previous report period and at the end of the current report period;
 - (c) The total amounts that have been credited or debited to the policy value during the current report period, identifying each by type (e.g., interest, mortality, expense and riders);
 - (d) The current death benefit at the end of the current report period on each life covered by the policy;
 - (e) The net cash surrender value of the policy as of the end of the current report period;
 - (f) The amount of outstanding loans, if any, as of the end of the current report period; and
 - (g) For fixed premium policies if, assuming guaranteed interest, mortality and expense loads and continued scheduled premium payments, the policy's net cash surrender value is such that it would not maintain insurance in force until the end of the next reporting period, a notice to this effect shall be included in the report; or
 - (h) For flexible premium policies if, assuming guaranteed interest, mortality and expense loads, the policy's net cash surrender value will not maintain insurance in force until the end of the next reporting period unless further premium payments are made, a notice to this effect shall be included in the report.
- (2) For all other policies, where applicable:
- (a) Current death benefit;
 - (b) Annual contract premium;
 - (c) Current cash surrender value;
 - (d) Current dividend;
 - (e) Application of current dividend; and
 - (f) Amount of outstanding loan.
- (3) Insurers writing life insurance policies that do not build nonforfeiture values shall only be required to provide an annual report with respect to these policies for those years when a change has been made to nonguaranteed policy elements by the insurer.

2. If the annual report does not include an in-force illustration, it shall contain the following notice displayed prominently: "IMPORTANT POLICY OWNER NOTICE: You should consider requesting more detailed information about your policy to understand how it may perform in the future. You should not consider replacement of your policy or make changes in your coverage without requesting a current illustration. You may annually request, without charge, such an illustration by calling. (insurer's phone number), writing to (insurer's name) at (insurer's address) or contacting your agent. If you do not receive a current illustration of your policy within thirty days from your request, you should contact your state insurance department." The insurer may vary the sequential order of the methods for obtaining an in-force illustration.

3. Upon the request of the policy owner, the insurer shall furnish an in-force illustration of current and future benefits and values based on the insurer's present illustrated scale. This illustration shall comply with the requirements of subsections 1 and 2 of section 4 of this act and subsections 1 and 5 of section 5 of this act. No signature or other acknowledgement of receipt of this illustration shall be required.

4. If an adverse change in nonguaranteed elements that could affect the policy has been made by the insurer since the last annual report, the annual report shall contain a notice of that fact and the nature of the change prominently displayed.

Section 9. 1. The board of directors of each insurer shall appoint one or more illustration actuaries.

2. The illustration actuary shall certify that the disciplined current scale used in illustrations is in conformity with the actuarial standard of practice for compliance with the NAIC model regulation of life insurance illustrations promulgated by the actuarial standards board, and that the illustrated scales used in insurer-authorized illustrations meet the requirements of sections 1 to 11 of this act.

3. The illustration actuary shall:

(1) Be a member in good standing of the American Academy of Actuaries;

(2) Be familiar with the standard of practice regarding life insurance policy illustrations;

(3) Not have been found by the director of the department of insurance, following appropriate notice and hearing to have:

(a) Violated any provision of, or any obligation imposed by, the insurance law or other law in the course of his or her dealings as an illustration actuary;

(b) Been found guilty of fraudulent or dishonest practices;

(c) Demonstrated his or her incompetence, lack of cooperation, or untrustworthiness to act as an illustration actuary; or

(d) Resigned or been removed as an illustration actuary within the past five years as a result of acts or omissions indicated in any adverse report on examination or as a result of a failure to adhere to generally acceptable actuarial standards;

(4) Not fail to notify the director of the department of insurance of any action taken by a commissioner or director of insurance of another state similar to that pursuant to subdivision (3) of this subsection;

(5) Disclose in the annual certification whether, since the last certification, a currently payable scale applicable for business issued within the previous five years and within the scope of the certification has been reduced for reasons other than changes in the experience factors underlying the disciplined current scale. If nonguaranteed elements illustrated for new policies are not consistent with those illustrated for similar in-force policies, this shall be disclosed in the annual certification. If nonguaranteed elements illustrated for both new and in-force policies are not consistent with the nonguaranteed elements actually being paid, charged or credited to the same or similar forms, this shall be disclosed in the annual certification; and

(6) Disclose in the annual certification the method used to allocate overhead expenses for all illustrations:

(a) Fully allocated expenses;

(b) Marginal expenses; or

(c) A generally recognized expense table based on fully allocated expenses representing a significant portion of insurance companies and approved by the director of the department of insurance.

4. (1) The illustration actuary shall file a certification with the board and with the director of the department of insurance:

(a) Annually for all policy forms for which illustrations are used; and

(b) Before a new policy form is illustrated.

(2) If an error in a previous certification is discovered, the illustration actuary shall notify the board of directors of the insurer and the director of the department of insurance promptly.

5. If an illustration actuary is unable to certify the scale for any policy form illustration the insurer intends to use, the actuary shall notify the board of directors of the insurer and the director of the department of insurance promptly of his or her inability to certify.

6. A responsible officer of the insurer, other than the illustration actuary, shall certify annually:

(1) That the illustration formats meet the requirements of sections 1 to 11 of this act and that the scales used in insurer-authorized illustrations are those scales certified by the illustration actuary; and

(2) That the company has provided its agents with information about the expense allocation method used by the company in its illustrations and disclosed as required in subdivision (6) of subsection 3 of this section.

7. The annual certifications shall be provided to the director of the department of insurance each year by a date determined by the insurer.

8. If an insurer changes the illustration actuary responsible for all or a portion of the company's policy forms, the insurer shall notify the director of the department of insurance of that fact promptly and disclose the reason for the change.

Section 10. In addition to any other penalties provided by the laws of this state, an insurer or producer that violates a requirement of sections 1 to 11 of this act shall be guilty of an unfair trade practice pursuant to sections 375.930 to 375.948, RSMo.

Section 11. Sections 1 to 11 of this act shall only apply to policies governed by sections 1 to 11 of this act which are marketed after January 1, 1999."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered SA 17:

SENATE AMENDMENT NO. 17

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 73, Section 1, Line 6, by striking the word "commercial"; and

Further amend said bill and page, section 2, line 1, by striking the word "commercial"; and

Further amend said bill, page 74, section 4, line 1, by striking the word "commercial"; and

Further amend said bill and section, page 75, line 42, by striking the word "commercial"; and

Further amend said bill, page 76, section 6, line 1, by striking the word "commercial"; and

Further amend said bill and page, section 7, line 2, by striking the word "commercial"; and further amend line 4, by striking the word "commercial"; and

Further amend said bill, page 77, section 8, line 4, by striking the word "commercial"; and

Further amend said bill, page 77, section 10, line 2, by striking the word "commercial"; and further amend line 3, by striking the word "commercial"; and

Further amend said bill and page, section 11, line 1, by striking the word "commercial"; and

Further amend said bill, page 78, section 11, line 4, by striking the word "commercial"; and

Further amend said bill, page 78, section 12, line 1, by striking the word "commercial"; and further amend line 4, by striking the word "commercial".

Senator Maxwell moved that the above amendment be adopted.

Senator Schneider offered **SSA 1** for **SA 17**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 17

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Pages 72-79, Sections 1 to 14, by striking all of said sections.

Senator Schneider moved that the above substitute amendment be adopted.

At the request of Senator Schneider, **SSA 1** for **SA 17** was withdrawn.

At the request of Senator Maxwell, **SA 17** was withdrawn.

Senator Jacob offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 1, In the Title, Line 7, by deleting the word and number "and 339.830" and inserting in lieu thereof the following: ", 339.830 and 630.405"; and

Further amend said bill, Page 1, In the Title, Line 8, by deleting the word "ninety-nine" and inserting in lieu thereof the words "one hundred eleven"; and

Further amend said bill, Page 2, Section A, Line 6, by deleting the word and number "and 339.830" and inserting in lieu thereof the following: ", 339.830 and 630.405" and further amend said line by deleting the word "ninety-nine" and inserting in lieu thereof the words "one hundred eleven"; and

Further amend said bill, Page 2, Section A, Line 15, by inserting after the number "620.149," the number "630.405,"; and

Further amend said bill, Page 2, Section A, Line 16, by deleting the word and number "and 23" and inserting in lieu thereof the following: ", 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34"; and

Further amend said bill, Page 72, Section 620.150, Line 22, by inserting after all of said line the following:

"630.405. 1. The department may purchase services for patients, residents or clients from private and public vendors in this state with funds appropriated for this purpose.

2. Services that may be purchased may include prevention, diagnosis, evaluation, treatment, habilitation, rehabilitation, transportation and other special services for persons affected by mental disorders, mental illness, mental retardation, developmental disabilities or alcohol or drug abuse.

3. For each state fiscal year a negotiated trend factor shall be applied to each facility's per diem and unit of

service reimbursement rate. A single trend factor shall be determined through negotiations between the department and the affected providers and is intended to hold the providers harmless against increases in cost. In no circumstance shall the negotiated trend factor to be applied to state funds exceed the consumer price index for medical care developed by the U.S. Bureau of Labor Statistics for that year. The provisions of this subsection shall apply to fiscal year 2000 and thereafter.

[3.] **4.** The commissioner of administration, in consultation with the director, shall promulgate rules establishing procedures consistent with the usual state purchasing procedures under chapter 34, RSMo, for the purchase of services under this section. The commissioner may authorize the department to purchase any technical service which, in his judgment, can best be purchased direct under chapter 34, RSMo. The commissioner shall cooperate with the department to purchase timely services appropriate to the needs of the patients, residents or clients of the department.

[4. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in this section shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to the effective date of this section is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to the effective date of this section if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void."; and

Further amend said bill, Page 85, Section 23, Line 25, by inserting after all of said line the following:

"Section 24. As used in sections 24 to 34 of this act, the following terms mean:

(1) "Addictions counseling", the observation, description, evaluation, interpretation and modification of human behavior as it relates to the harmful or pathological use or abuse of alcohol and other drugs by the application of the core functions as defined in subdivision (3) of this section; except that, the provisions of this subdivision shall not be construed to include diagnosing mental diseases. The practice of addictions counseling includes the following activities, regardless of whether the counselor receives compensation for the activities:

(a) Assisting individuals or groups who use alcohol or other drugs or engage in addictive behaviors, evaluating the same and recognizing addiction of the above if it exists;

(b) Assisting individuals or groups with addiction problems to gain insight and motivation aimed at resolving such problems;

(c) Providing experienced professional guidance, assistance and support for the individual's efforts to develop and maintain a responsible and functional lifestyle;

(d) Individual treatment planning to prevent relapse;

(e) Addiction prevention and other education for individuals and groups;

(f) Consultation with other professions;

(g) Recognition of problems outside the scope of the counselor's training skills or competence and referring the client to other appropriate professional care;

(h) Providing the above services, as needed, to family members or others affected by someone who is addicted; and

(i) Any other services that are not limited by another scope of practice as defined by the International Counselors Reciprocity Consortium;

(2) "Board", the state board for professional addictions counselors, established in section 34 of this act;

(3) "Core functions", the following services provided in addictions treatment:

(a) "Assessment", those procedures by which a counselor identifies and evaluates an individual's strengths, weaknesses, problems and needs for the development of the treatment plan;

(b) "Case management", activities which bring services, agencies, resources or people together within a planned framework of action toward the achievement of established goals;

(c) "Client education", the provision of information to clients who are receiving or seeking counseling concerning addiction problems and the available services and resources;

(d) "Consultation with other professions", communicating with other professions in regard to client treatment and services to assure comprehensive, quality care for the client;

(e) "Counseling", the utilization of special skills to assist individuals, families or groups in achieving objectives through exploration of a problem and its ramifications; examination of attitudes and feelings; consideration of alternative solutions; and decision making;

(f) "Intake", the administrative and initial assessment procedures for admission to a program;

(g) "Orientation", describing to the client the general nature and goals of the program; rules governing client conduct and infractions that can lead to disciplinary action or discharge from the program; in a nonresidential program, the hours during which services are available; treatment costs to be borne by the client, if any; and client's rights;

(h) "Referral", identifying the needs of the client which cannot be met by the counselor or agency and assisting the client to utilize the support systems and available community resources;

(i) "Reports and recordkeeping", charting the results of the assessment and treatment plan, writing reports, progress notes, discharge summaries and other client-related data;

(j) "Screening", the process by which a client is determined appropriate and eligible for admission to a particular program;

(k) "Treatment planning", those procedures by which the counselor and the client identify and rank problems needing resolution; establish agreed upon immediate and long-term goals; and decide on a treatment process and the sources to be utilized;

(4) "Department", the Missouri department of economic development;

(5) "Director", the director of the division of professional registration in the department of economic development;

(6) "Division", the division of professional registration;

(7) "Fund", the professional addictions counselors' fund created in section 28 of this act;

(8) "Licensed professional addictions counselor", a person to whom a license has been issued pursuant to the provisions of sections 24 to 34 of this act, whose license is in force and not suspended or revoked.

Section 25. No person shall engage in the professional practice of addictions counseling unless the person is licensed as a professional addictions counselor pursuant to sections 24 to 34 of this act or certified as a substance abuse counselor. Sections 24 to 34 of this act shall not apply to:

(1) Any person who does not represent to the public, or health care financing agencies, directly or indirectly, that the person is licensed or certified pursuant to sections 24 to 34 of this act and does not use any name, title or designation indicating that the person is licensed pursuant to sections 24 to 34 of this act;

(2) Activities or services of:

(a) A licensed physician;

(b) A licensed psychologist;

(c) A licensed social worker;

(d) A licensed professional counselor;

(e) A religious leader of a congregation providing pastoral alcohol and drug counseling within the scope of his or her duties; or

(f) A school counselor certified by the department of elementary and secondary education;

(3) Activities and services of students, interns or residents in professional addictions counseling seeking to fulfill educational requirements in order to qualify for a license or certification pursuant to sections 24 to 34 of this act, or an individual seeking to fulfill the post-degree experience requirements in order to qualify for licensing pursuant to sections 24 to 34 of this act, if the activities and services are supervised by a qualified addictions professional or a professional addictions counselor licensed pursuant to sections 24 to 34 of this act, and the student, intern or resident is designated by a title "intern" or "resident" or other designation of trainee status. Nothing in this section shall be construed to permit students, interns or residents to offer their services as professional addictions counselors to any other person and to accept remuneration for such professional counseling services other than as specifically exempted by the provisions of sections 24 to 34 of this act, unless such person has a license issued pursuant to sections 24 to 34 of this act;

(4) Individuals not licensed pursuant to sections 24 to 34 of this act who work in self-help groups or programs or not for profit organizations who provide services in those groups, programs, organizations or health care financing agencies, as long as such persons are not in any manner held out to the public as practicing professional addictions counseling, or do not hold themselves out to the public by any title or designation stating or implying that such persons are professional addictions counselors.

Section 26. 1. For a period of six months from September 1, 1998, a person may apply for licensure without examination and shall be exempt from the academic requirements of sections 24 to 34 of this act if the division is satisfied that the applicant:

(1) Has been a resident of the state of Missouri for at least the last six months; and

(2) Holds a valid license as a professional addictions counselor from another state.

2. The board shall determine by administrative rule the types of documentation needed to verify that an applicant meets the qualifications provided in subsection 1 of this section.

3. After March 1, 1999, no person may hold himself or herself out as a licensed professional addictions counselor unless the person complies with all educational and examination requirements or is licensed in accordance with the provisions of sections 24 to 34 of this act.

Section 27. No provision of sections 24 to 34 of this act shall be construed to require any agency, corporation or organization, not otherwise required by law, to employ licensed professional addictions counselors; except licensed professional addictions counselors in private practice providing professional services, as defined in section 24 of this act, who shall be considered qualified providers in all cases required by law.

Section 28. 1. Applications for licensure as a professional addictions counselor shall be in writing, submitted to the division on forms prescribed by the division and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience and such other information the division requires by rule. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the division.

2. The division shall mail a renewal notice to the last known address of each licensee within forty-five days before the licensure renewal date. Failure to provide the division with the information required for a license, or to pay the licensure fee after such notice shall effect a revocation of the license after a period of sixty days from the licensure renewal date. The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the division upon payment of a fee.

4. The division shall set the amount of the fees authorized. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 24 to 34 of this act. All fees provided for in sections 24 to 34 of this act shall be collected by the director who shall deposit the same with the state treasurer to a fund which is hereby created and shall be known as the "Professional Addictions Counselors' Fund".

5. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriations from the professional addictions counselors' fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the professional addictions counselors' fund for the preceding fiscal year.

Section 29. 1. Each applicant for licensure as a professional addictions counselor shall furnish evidence to the division that:

(1) The applicant meets the state certification requirements as currently established by the Missouri Substance Abuse Counselors Certification Board, Inc., and is currently a certified substance abuse counselor in good standing; and

(2) The applicant has a total of five years full-time or ten thousand hours document experience in addictions counseling or in a closely related addictions professional position plus a total of five hundred forty contact hours of education and training in addictions and related counseling subjects; or

(3) The applicant has a bachelor's degree in addiction studies from an accredited college or university plus two years or four thousand hours of supervised experience in the addictions field; or

(4) The applicant has a master's degree in addiction studies or related behavioral health education and two years or four thousand hours supervised experience in the addictions field by an addictions qualified professional or licensed professional addictions counselor; and

(5) The applicant is at least eighteen years of age, has been a resident of this state for at least six months, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted

of a felony during the ten years immediately prior to application for licensure; and

(6) Upon examination of submitted documentation, the applicant is possessed of requisite knowledge of the profession, including techniques and applications, research and its interpretation, and professional affairs and ethics.

2. Any person not a resident of this state holding a valid unrevoked and unexpired license, certificate or registration from another state or territory of the United States having substantially the same or higher requirements as this state for professional addictions counselors may be granted a license to engage in the person's occupation in this state upon application to the division accompanied by the appropriate fee as established by the division pursuant to section 28 of this act.

3. The division shall issue a license to each person who files an application and fee as required by the provisions of sections 24 to 34 of this act, and who furnishes evidence satisfactory to the division that the applicant has complied with the provisions of subsection 1 of this section and with the provisions of subsection 2 of this section.

Section 30. 1. Each license issued pursuant to the provisions of sections 24 to 34 of this act shall expire on a renewal date established by the director. The term of licensure shall be twenty-four months; however, the director may establish a shorter term for the first licenses issued pursuant to sections 24 to 34 of this act. The division shall renew any license upon application for renewal and upon payment of the fee established by the division pursuant to the provisions of section 28 of this act and upon presentation of documentation of a minimum of sixty contact hours of continuing education in the addictions field as defined by rule.

2. The division may issue temporary permits to practice under extenuating circumstances as determined by the division and defined by rule.

Section 31. 1. The division shall promulgate rules and regulations pertaining to:

(1) The form and content of license applications required by the provisions of sections 24 to 34 of this act and the procedures for filing an application for an initial or renewal license in this state;

(2) Fees required by the provisions of sections 24 to 34 of this act;

(3) The content, conduct and administration of the licensing examination required by section 29 of this act;

(4) The equivalent of the basic educational requirements set forth in section 29 of this act;

(5) The standards and methods to be used in assessing competency as a licensed professional addictions counselor;

(6) Establishment and promulgation of procedures for investigating, hearing and determining grievances and violations occurring pursuant to the provisions of sections 24 to 34 of this act;

(7) Development of an appeal procedure for the review of decisions and rules of administrative agencies existing pursuant to the constitution or laws of this state;

(8) Establishment of a policy and procedure for reciprocity with other states; and

(9) Any other policy or procedure necessary to the fulfillment of the requirements of sections 24 to 34 of this act.

2. No rule or portion of a rule promulgated pursuant to the authority of sections 24 to 34 of this act shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 32. 1. The division may refuse to issue or renew any license required by the provisions of sections 24 to 34 of this act for one or any combination of causes stated in subsection 2 of this section. The division shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a

complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The division may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 24 to 34 of this act or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to engage in the occupation of addictions counselor; except the fact that a person has undergone treatment for past substance or alcohol abuse or has participated in a recovery program, shall not by itself be cause for refusal to issue or renew a license;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a professional addictions counselor; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of sections 24 to 34 of this act or in obtaining permission to take any examination given or required pursuant to the provisions of sections 24 to 34 of this act;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a professional addictions counselor;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 24 to 34 of this act or of any lawful rule or regulation adopted pursuant to sections 24 to 34 of this act;

(7) Impersonation of any person holding a license or allowing any person to use the person's license or diploma from any school;

(8) Revocation or suspension of a license or other right to practice addictions counseling granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) Final adjudication as incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice addictions counseling who is not licensed and is not currently eligible to practice pursuant to the provisions of sections 24 to 34 of this act;

(11) Obtaining a license based upon a material mistake of fact;

(12) Failure to display a valid license if so required by sections 24 to 34 of this act or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Being guilty of unethical conduct as defined in the ethical standards for professional addictions counselors adopted by the board by rule and filed with the secretary of state.

3. Any person, organization, association or corporation who reports or provides information to the division pursuant to the provisions of sections 24 to 34 of this act and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

4. After filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the division may censure or place the person named in the complaint on probation on such terms and conditions as the division deems appropriate for a period not to exceed five years, or may suspend the person's license for a period not to exceed three years, or revoke the license.

Section 33. 1. Violation of any provision of sections 24 to 34 of this act is a class B misdemeanor.

2. All fees or other compensation received for services which are rendered in violation of sections 24 to 34 of this act shall be refunded.

3. The department on behalf of the division may sue in its own name in any court in this state. The department shall inquire as to any violation of sections 24 to 34 of this act, may institute actions for penalties prescribed, and shall enforce generally the provisions of sections 24 to 34 of this act.

4. Upon application by the division, the attorney general may on behalf of the division request that a court of competent jurisdiction grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license;

(2) Engaging in any practice of business authorized by a certificate of registration or authority, permit or license issued pursuant to sections 24 to 34 of this act, upon a showing that the holder presents a substantial probability of serious harm to the health, safety or welfare of any resident of this state or client or patient of the licensee.

5. Any action brought pursuant to the provisions of this section shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

6. Any action brought pursuant to this section may be in addition to or in lieu of any penalty provided by sections 24 to 34 of this act and may be brought concurrently with other actions to enforce the provisions of sections 24 to 34 of this act.

Section 34. 1. There is hereby created and established the "State Board of Professional Addictions Counselors" which shall consist of five public members, seven licensed professional addictions counselors or persons who are eligible to be licensed, one alcohol and drug abuse treatment provider certified by the department of mental health and one person who is a director or coordinator of an accredited addictions dependency training or college degree program. Any nationally recognized association representing professional addictions counselors may submit recommendations for members of the board. The provider member shall be chosen from a list submitted by an association of alcohol and drug abuse treatment providers who employ certified substance abuse counselors. The board shall be appointed by the governor with the advice and consent of the senate. Board members shall serve for a term of five years, except for the members first appointed, two public members and two professional members shall be appointed for five years, two public members and two professional members shall be appointed for four years, two professional members and the member who is a director or coordinator of an addictions dependency program and the other public member shall be appointed for three years and one professional member shall be appointed for two years. No person shall be eligible for appointment to the board who has served as a member of the board for a total of ten years. Members shall be appointed to represent a diversity in gender, race and ethnicity. No more than seven members shall be from the same political party.

2. Each nonpublic board member shall be a resident of the state of Missouri for one year, shall be a United States citizen, and shall meet all the requirements for licensing enumerated in sections 24 to 34 of this act, shall be licensed pursuant to sections 24 to 34 of this act, except the members of the first board, who shall be licensed within six months of their appointment, and are actively engaged in the practice of addictions counseling. If a member of the board shall, during the member's term as a board member, remove the member's domicile from the state of Missouri, then the board shall immediately notify the governor, and the seat of that board member shall be declared vacant. All such vacancies shall be filled by appointment as in the same manner as the first appointment, and the member so appointed shall serve for the unexpired term of the member whose seat has been declared vacant. The public members shall be at the time of each member's appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to this chapter or the spouse of such person; a person who does not have and never has had a material, financial interest in either the provision of the professional services regulated by this chapter, or an activity or organization directly related to any profession licensed or regulated pursuant to this chapter.

3. The board shall hold a regular annual meeting at which it shall select from among its members a chairman and a secretary. A quorum of the board shall consist of a majority of its members. In the absence of the chairman, the secretary shall conduct the office of the chairman.

4. No member of the board shall receive any compensation for the performance of the member's official duties but shall be entitled to reimbursement for necessary and actual expenses incurred in the performance of the member's duties. The board shall share resources and facilities with the office for the committee for professional counselors provided for in sections 337.500 to 337.540, RSMo. All staff for the board shall be provided by the director of the department of economic development through the director of the division of professional registration.

5. The governor may remove any member of the board for misconduct, inefficiency, incompetency or neglect of office."; and

Further amend said bill, Page 85, Section B, Line 3, by inserting after all of said line the following:

"Section C. Sections 24 to 34 of this act shall become effective August 28, 1999.".

Senator Jacob moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Howard assumed the Chair.

Senator Lybyer offered **SA 1** to **SA 18**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 18

Amend Senate Amendment No. 18 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Pages 2 and 3, Section 630.405, Lines 9-18, by deleting all of said lines.

Senator Lybyer moved that the above amendment be adopted.

President Pro Tem McKenna assumed the Chair.

At the request of Senator Lybyer, **SA 1** to **SA 18** was withdrawn.

Senator Jacob requested unanimous consent to remove bold subsection 3 of Section 630.045, on pages 2 and 3 of **SA 18**, and renumber the remaining subsections accordingly, which request was granted.

Senator Jacob moved that **SA 18** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Howard, Kenney, Mueller and Scott.

SA 18 failed of adoption by the following vote:

	YEAS--Senators		
Bentley	Caskey	Curls	House
Jacob	Wiggins--6		
	NAYS--Senators		
Banks	Childers	DePasco	Ehlmann
Flotron	Goode	Graves	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Yeckel--27	
	Absent--Senator Clay--1		
	Absent with leave--Senators--None		

Senator Mueller offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 70, Section 339.855, Line 5, by inserting after all of said line the following:

- "537.800. 1. In an action against a licensed professional for damages or injuries on account of the rendering of or failure to render professional services, the plaintiff or his attorney shall file an affidavit with the court stating that he has obtained the written opinion of a legally qualified like licensed professional which states that the defendant licensed professional failed to use such care as a reasonably prudent and careful licensed professional would have under similar circumstances and that such failure to use such reasonable care directly caused or directly contributed to cause the damages claimed in the petition.**
- 2. The affidavit shall state the qualifications of such like licensed professional to offer such opinion.**
- 3. A separate affidavit shall be filed for each defendant named in the petition.**
- 4. Such affidavit shall be filed no later than ninety days after the filing of the petition unless the court, for good cause shown, orders that such time be extended.**
- 5. If the plaintiff or his attorney fails to file such affidavit, the court may, upon motion of any party, dismiss the action against such moving party without prejudice.**
- 6. For purposes of this act, the term "licensed professional" shall mean every licensed architect, professional engineer, land surveyor, certified or licensed real estate appraiser or any corporation authorized to render any of the aforementioned professional services. This section shall not apply to any "health care provider" as that term is defined in section 538.205, RSMo.**

7. The provisions of this section shall not apply to actions filed in small claims court pursuant to chapter 482, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Mueller moved that the above amendment be adopted.

Senator Howard assumed the Chair.

Senator Caskey raised the point of order that **SA 19** is out of order in that it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Singleton offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 25, Section 334.749, Line 40, by inserting after said line the following:

"Section 1. The provisions of section 334.820, RSMo, shall not apply to the practice of respiratory therapy in a hospital as defined in section 197.020, RSMo, so long as the hospital is in compliance with the hospital licensing regulations established pursuant to chapter 197, RSMo."

Senator Singleton moved that the above amendment be adopted.

Senator Schneider offered **SA 1** to **SA 20**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 20

Amend Senate Amendment No. 20 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 1, Section 1, Line 11, by adding: "and the service is provided in the course of emergency care".

Senator Schneider moved that the above amendment be adopted, which motion failed.

Senator Schneider offered **SA 2** to **SA 20**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 20

Amend Senate Amendment No. 20 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 1, Section 1, Line 11, by adding the following: "and the person providing the service is exempt under Section 334.900".

Senator Schneider moved that the above amendment be adopted, which motion failed.

SA 20 was again taken up.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Banks offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 85, Section 23, Line 25, by inserting immediately after said line the following:

"Section 24. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity-type contracts issued by a health services corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed in this state on or after January 1, 1999, shall offer coverage for chiropractic services administered by a chiropractor licensed pursuant to chapter 331, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Banks moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that **SA 21** is out of order in that the amendment goes beyond the scope, purpose and title of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Schneider offered **SA 22**, which was read:

SENATE AMENDMENT NO. 22

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 78, Section 13, Line 19, by striking the words: "or authority, permit or license".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 72, Section 620.150, Line 22, by inserting immediately after said line the following:

"643.040. 1. There is created hereby an air pollution control agency to be known as the "Air Conservation Commission of the State of Missouri", whose domicile for the purposes of sections 643.010 to 643.190 is the department of natural resources of the state of Missouri. The commission shall consist of seven members appointed by the governor, with the advice and consent of the senate. No more than four of the members shall belong to the same political party and no two members shall be a resident of and domiciled in the same senatorial district. At the first meeting of the commission and at yearly intervals thereafter, the members shall select from among themselves a chairman and a vice chairman.

2. All members shall be representative of the general interest of the public and shall have an interest in and knowledge of air conservation and the effects and control of air contaminants. **At least** three of such members[, but not more than three,] shall represent agricultural, industrial and labor interests, respectively. The governor shall not appoint any other person who has a substantial interest as defined in section 105.450, RSMo, in any business entity regulated under this

chapter or any business entity which would be regulated under this chapter if located in Missouri. The commission shall establish rules of procedure which specify when members shall exempt themselves from participating in discussions and from voting on issues before the commission due to potential conflict of interest.

3. The members' terms of office shall be four years and until their successors are selected and qualified, except that the terms of those first appointed shall be staggered to expire at intervals of one, two and three years after the date of appointment as designated by the governor at the time of appointment. There is no limitation of the number of terms any appointed member may serve. If a vacancy occurs the governor may appoint a member for the remaining portion of the unexpired term created by the vacancy. The governor may remove any appointed member for cause. The members of the commission shall be reimbursed for travel and other expenses actually and necessarily incurred in the performance of their duties.

4. The commission shall hold at least nine regular meetings each year and such additional regular meetings as the chairman deems desirable at a place and time to be fixed by the chairman. Special meetings may be called by three members of the commission upon delivery of written notice to each member of the commission. Reasonable written notice [to] of all meetings shall be given to all members of the commission. Four members of the commission shall constitute a quorum. All powers and duties conferred upon members of the commission shall be exercised personally by the members and not by alternates or representatives. All actions of the commission shall be taken at meetings open to the public, except as provided in chapter 610, RSMo. Any member absent from four regular commission meetings per calendar year for any cause whatsoever shall be deemed to have resigned and the vacancy shall be filled immediately in accordance with subsection 1 and subsection 3 of this section."; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 24**, which was read:

SENATE AMENDMENT NO. 24

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Pages 64-66, Section 339.755, by striking all of said section; and further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Childers requested a roll call vote be taken on the adoption of **SA 24** and was joined in his request by Senators Ehlmann, Kenney, Mueller and Rohrbach.

SA 24 failed of adoption by the following vote:

YEAS--Senators			
Ehlmann	Rohrbach	Schneider	Sims--4
NAYS--Senators			
Banks	Bentley	Caskey	Childers
Curls	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Mueller
Quick	Russell	Scott	Singleton
Westfall	Wiggins	Yeckel--27	
Absent--Senators			
Clay	Lybyer	Staples--3	
Absent with leave--Senators--None			

Senator Schneider offered **SA 25**, which was read:

SENATE AMENDMENT NO. 25

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 66, Section 339.755, Line 84, by adding:

"14. A transaction broker shall provide written notice to all applicable clients of the provisions of this section by providing a copy of this section and written notice of the limited responsibility to the client."

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Rohrbach, Klarich, Russell and Scott.

SA 25 failed of adoption by the following vote:

YEAS--Senators			
Ehlmann	Flotron	Goode	Graves
Howard	Klarich	Rohrbach	Schneider
Sims--9			
NAYS--Senators			
Banks	Bentley	Caskey	Childers
Curls	DePasco	House	Jacob
Johnson	Kenney	Kinder	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Russell	Scott	Singleton	Westfall
Wiggins	Yeckel--22		
Absent--Senators			
Clay	Quick	Staples--3	
Absent with leave--Senators--None			

Senator Rohrbach offered **SA 26**, which was read:

SENATE AMENDMENT NO. 26

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 38, Section 339.501, Line 37, by adding after the end of said line the following:

"(6) Any person doing an appraisal for any person who chooses not to hire a licensed real estate appraiser."

Senator Rohrbach moved that the above amendment be adopted, which motion failed.

Senator Singleton offered **SA 27**, which was read:

SENATE AMENDMENT NO. 27

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 2, Line 17, following said line, by adding:

"Nothing in this act shall preclude an individual, legal resident of Missouri for at least 6 months and at least 18 years of age, from being registered, certified or licensed in any profession, trade, vocation or avocation for an annual fee of

\$50.00 paid to Department of Economic Development."

Senator Singleton moved that the above amendment be adopted, which motion failed.

President Pro Tem McKenna assumed the Chair.

Senator Ehlmann offered **SA 28**, which was read:

SENATE AMENDMENT NO. 28

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 38, Section 339.501, Line 35, by adding the following:

", except that no such lending agency or institution shall perform an appraisal on a property for the purpose of granting a loan to a third party when the lending agency or institution holds a mortgage on the property."

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Schneider offered **SA 29**, which was read:

SENATE AMENDMENT NO. 29

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, Page 37, Section 339.501.1., Line 6, by adding: "if the appraisal is required in order to obtain a loan".

Senator Schneider moved that the above amendment be adopted, which motion failed.

Senator Scott moved that **SCS for HS for HCS for HBs 1601, 1591, 1592, 1479 and 1615 and HCS for HBs 1094, 1213, 1311 and 1428**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SCS for HS for HCS for HBs 1601, 1591, 1592, 1479 and 1615 and HCS for HBs 1094, 1213, 1311 and 1428**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Curls	DePasco	Goode	Graves
House	Howard	Johnson	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Russell	Scott	Sims
Westfall	Wiggins--22		
NAYS--Senators			
Ehlmann	Flotron	Jacob	Kenney
Kinder	Klarich	Rohrbach	Schneider
Singleton	Yeckel--10		
Absent--Senators			
Clay	Staples--2		
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Wiggins moved that the vote by which **HB 1239**, as amended, failed on 3rd reading and final passage be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Curls
DePasco	Goode	Graves	House
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Quick	Russell	Scott
Sims	Singleton	Westfall	Wiggins--20
NAYS--Senators			
Ehlmann	Flotron	Jacob	Kenney
Kinder	Klarich	Mueller	Rohrbach
Schneider	Yeckel--10		
Absent--Senators			
Banks	Clay	Howard	Staples--4
Absent with leave--Senators--None			

At the request of Senator Caskey, the motion for 3rd reading and final passage of **HB 1239**, as amended, was withdrawn.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee, to act with a like committee from the House on **SCS** for **HB 1683**, as amended: Senators Caskey, Scott, Schneider, Rohrbach and Bentley.

Also,

President Pro Tem McKenna appointed the following conference committee, to act with a like committee from the House on **SCS** for **HB 1272**: Senators Goode, Johnson, Clay, Bentley and Westfall.

Also,

President Pro Tem McKenna appointed the following conference committee, to act with a like committee from the House on **HS** for **HCS** for **SB 487**, as amended: Senators Goode, Clay, Mathewson, Childers and Westfall.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **SCS** for **SCR 37**.

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 37

WHEREAS, the elderly population in the state is growing at a significant and unprecedented rate; and

WHEREAS, the increasing elderly population in the state will place unprecedented demands upon the state's long term care delivery system; and

WHEREAS, the federal government's approach to mandates and entitlements regarding Medicare and Medicaid funding for long term care services for the elderly is changing; and

WHEREAS, the elderly expect that their needs will be provided in an environment that allows greater flexibility through a "continuum of care"; and

WHEREAS, an in-depth study and evaluation must be made of the alternatives and strategies available for the delivery of long term care services to the growing elderly population in Missouri;

NOW THEREFORE BE IT RESOLVED that the members of the Senate, eighty-ninth General Assembly, the House of Representatives concurring therein, hereby establish the "Joint Interim Committee on Aging" to be composed of ten members. The members shall consist of five state senators appointed by the President pro tem of the Senate and five representatives appointed by the Speaker of the House of Representatives, with no more than three from each house being members of the same political party; and

BE IT FURTHER RESOLVED that the President pro tem of the Senate and Speaker of the House of Representatives shall appoint the members of the committee and shall choose one such member as chairperson to serve as co-chairs of the joint interim committee on aging by June 1, 1998, and such committee shall meet within ten days of its establishment; and

BE IT FURTHER RESOLVED that the committee may solicit any input and information necessary to fulfill its obligations from the Department of Social Services, the Department of Health and representatives of citizen groups formed to address issues regarding Missouri's elderly population; and

BE IT FURTHER RESOLVED that the Governor's Advisory Council on Aging supports the concept of an interim committee on aging as established by the General Assembly, and furthermore, the Council agrees to be available to advise and assist the Joint Interim Committee on Aging with this initiative however possible, and shall be prepared to provide information and assistance to the committee; and

BE IT FURTHER RESOLVED that the committee shall make an in-depth study and evaluation of the availability and quality of long term care services throughout the state to meet the needs of the growing aging population and research the possible strategies and alternatives to expand the continuum of care to meeting those needs in Missouri; and

BE IT FURTHER RESOLVED that the committee review the Certificate of Need process established through the Missouri Health Facilities Review Committee as it affects the availability and quality of long term care beds, and furthermore study how the Certificate of Need process affects the long term care industry's ability to serve the various individual care needs of their residents, and furthermore assess the need for flexibility in the reallocation of beds and/or the expansion of beds in long term care facilities that prove such beds are needed through bed occupancy and quality indicators, and furthermore as it affects the Certificate of Need process and the state budget, the committee shall study the changes in the federal mandate in order to suggest changes in the Medicaid reimbursement process for long term care facilities to reflect payment based on care needs; and

BE IT FURTHER RESOLVED that the committee shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to this Governor and General Assembly by January 5, 1999, and then shall be dissolved; and

BE IT FURTHER RESOLVED that the expenses of committee members and legislative staff, the actual and necessary expenses of the committee necessary for the committee to complete its study shall be paid from the Joint Contingent Fund, subject to prior approval by the Senate Committee on Administration; and

BE IT FURTHER RESOLVED that the staff of Senate Research and House Research and the Committee on Legislative Research shall provide such legal, research clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to be delivered to the Governor and the Director of the Department of Social Services.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 910**, entitled:

An Act to repeal section 104.540, RSMo 1994, and sections 193.215, 287.820, 454.390, 454.408, 454.413, 454.440, 454.455, 454.460 and 476.688, RSMo Supp. 1997, relating to child support, and to enact in lieu thereof ten new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1683**, as amended. Representatives: Fitzwater, Days, Relford, McClelland and Pryor.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 487**, as amended. Representatives: Auer, Fritts, O'Connor, Legan and Burton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HB 945**, as amended. Representatives: Thomason, Leake, Williams (159), Howerton and Graham (106).

PRIVILEGED MOTIONS

Senator Caskey moved that the Senate refuse to concur in **HCS** for **SS** for **SB 910** and request the House to recede from its position or failing to do so, grant the Senate a conference thereon, which motion prevailed.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 1889, regarding Dr. Stephen R. Brainard, Kansas City, which was adopted.

Senator Clay offered Senate Resolution No. 1890, regarding Mrs. Louise Antonette Butler, Florissant, which was adopted.

Senator Singleton offered Senate Resolution No. 1891, regarding Dr. Ronald R. Barton, Webb City, which was adopted.

Senator Howard offered Senate Resolution No. 1892, regarding George Oliver Stewart, Poplar Bluff, which was adopted.

Senator Bentley offered Senate Resolution No. 1893, regarding Deena Green, Lebanon, which was adopted.

Senator Bentley offered Senate Resolution No. 1894, regarding Mya Appleberry, Lebanon, which was adopted.

Senator Bentley offered Senate Resolution No. 1895, regarding Melodie Phillips, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1896, regarding Mary-Jane Hudson, Lebanon, which was adopted.

Senator Bentley offered Senate Resolution No. 1897, regarding Angela O'Quinn, Lebanon, which was adopted.

Senator Bentley offered Senate Resolution No. 1898, regarding Jennifer Blue, Lebanon, which was adopted.

Senator Bentley offered Senate Resolution No. 1899, regarding Jennifer Black, Lebanon, which was adopted.

Senator Bentley offered Senate Resolution No. 1900, regarding Kathleen Ross, Branson, which was adopted.

Senator Bentley offered Senate Resolution No. 1901, regarding Amanda Lurten, Bolivar, which was adopted.

Senator Bentley offered Senate Resolution No. 1902, regarding Deadra Sillavan, Bolivar, which was adopted.

Senator Bentley offered Senate Resolution No. 1903, regarding Krista Cheffey, Bruner, which was adopted.

Senator Bentley offered Senate Resolution No. 1904, regarding Jennifer Beshears, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1905, regarding Sarah Craker, Monett, which was adopted.

Senator Bentley offered Senate Resolution No. 1906, regarding Candice Miller, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1907, regarding Corporal Scott Bunn, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1908, regarding Officer Greg Wheelen, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1909, regarding Sergeant Mike Owen, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1910, regarding Anthony Bowman, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1911, regarding the death of Clyde R. Allemann,

Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1912, regarding the Sixty-third Wedding Anniversary of Dr. and Mrs. Michael J. Clarke, Springfield, which was adopted.

Senator Mathewson offered Senate Resolution No. 1913, regarding Bill Utz, Sedalia, which was adopted.

Senator Mathewson offered Senate Resolution No. 1914, regarding Marcia Crumble, Lexington, which was adopted.

On motion of Senator Johnson, the Senate adjourned until 9:30 a.m., Tuesday, May 12, 1998.

Journal of the Senate

SECOND REGULAR SESSION

SEVENTIETH DAY--TUESDAY, MAY 12, 1998

The Senate met pursuant to adjournment.

Senator Johnson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, give to us wisdom to know when to speak and when to listen, when to encourage and when to discourage, when to stand firm and when to compromise. Give us wisdom to know the difference between conviction and stubbornness, between being hard headed and being steadfast. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 1272**: Representatives: Holand, Wooten, Stroker, Hosmer and Schilling.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 781**, entitled:

An Act to repeal sections 160.538, 162.081, 162.571, 162.581, 162.601, 162.621, 162.935, 163.161, 166.260, and 168.221, RSMo 1994, and sections 160.011, 163.011, 163.031, 165.016 and 166.275, RSMo Supp. 1997, relating to education, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with a contingent effective date for certain sections and an emergency clause for a certain section.

With House Amendments Nos. 1, 2, 3, 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendments Nos. 6, 7, House Substitute Amendment No. 1 for House Amendment No. 8, House Amendments Nos. 9, 10, 12, 13, 14, 15, 16, 17, 18, 20, 22, House Substitute Amendment No. 1 for House Amendment No. 23, House Amendments Nos. 25, 26, House Substitute Amendment No. 1 for House Amendment No. 27, House Amendments Nos. 29, 30 and 36.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Pages 92 and 93, Section 3, by deleting all of said section and inserting in lieu thereof the following:

"Section 3. Notwithstanding the provisions of section 163.011, RSMo., to the contrary, beginning with the 1997-1998 payment year, the calculation of the magnitude of a tax rate decrease due to reassessment shall exclude any voted increase occurring in the year of reassessment dating from tax year 1995."

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 1, In the Title, Lines 5 and 6 of said page, by deleting "and 166.275" and inserting in lieu thereof the following: ", 166.275 and 178.930"; and

Further amend said bill, Page 1, In the Title, Line 8 of said page, by deleting the word "twenty-seven" and inserting in lieu thereof the word "twenty-eight"; and

Further amend said bill, Page 1, Section A, Line 16 of said page, by deleting "and 166.275" and inserting in lieu thereof the following: ", 166.275 and 178.930"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by deleting the word "twenty-three" and inserting in lieu thereof the word "twenty-four"; and

Further amend said bill, Page 2, Section A, Line 4 of said page, by inserting immediately after the number "168.231," the number "178.930,"; and

Further amend said bill, Page 58, Section 168.231, Line 9 of said page, by inserting after all of said line the following:

"178.930. 1. Until June 30, 1998, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a sum equal to eleven dollars multiplied by the number of six-hour or longer days worked by handicapped workers during the preceding calendar month. For each handicapped worker employed by a sheltered workshop for less than a six-hour day, the workshop shall receive a percentage of the eleven dollars based on the percentage of the six-hour day worked by the handicapped employee.

2. Beginning July 1, 1998, until June 30, 1999, the department of elementary and secondary education shall pay monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a sum equal to twelve dollars multiplied by the number of six-hour or longer days worked by handicapped workers during the preceding calendar month. For each handicapped worker employed by a sheltered workshop for less than a six-hour day, the workshop shall receive a percentage of the twelve dollars based on the percentage of the six-hour day worked by the handicapped employee.

3. Beginning July 1, [2000] **1999**, and thereafter, the department of elementary and secondary education shall pay

monthly, out of the funds appropriated to it for that purpose, to each sheltered workshop a sum equal to thirteen dollars multiplied by the number of six-hour or longer days worked by handicapped workers during the preceding calendar month. For each handicapped worker employed by a sheltered workshop for less than a six-hour day, the workshop shall receive a percentage of the thirteen dollars based on the percentage of the six-hour day worked by the handicapped employee.

4. The department shall accept, as prima facie proof of payment due to a sheltered workshop, a statement signed by the president and secretary of the sheltered workshop, setting forth the dates worked and the number of hours worked each day by each handicapped person employed by that sheltered workshop during the preceding calendar month, together with any other information required by the rules or regulations of the department."

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 1, In the Title, Line 8 of said page, by deleting the word "twenty-seven" and inserting in lieu thereof the word "thirty-two"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by deleting the word "twenty-three" and inserting in lieu thereof the word "twenty-eight"; and

Further amend said bill, Page 2, Section A, Line 4 of said page, by deleting "and 2" and inserting in lieu thereof the following: ", 2, 4, 5, 6, 7, and 8"; and

Further amend said bill, Page 60, Section 2, Line 1 of said page, by inserting after all of said line the following:

"Section 4. 1. A charter school is an independent, publicly supported school.

2. Charter schools may be operated only in a metropolitan school district, or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants, and except as specified in subsection 3 of this section may be sponsored by any of the following:

(1) The school board of the district;

(2) A public four-year college or university with its primary campus in the school district or in a county adjacent to the county in which the district is located, with an approved teacher education program that meets regional or national standards of accreditation; or

(3) A community college located in the district.

3. A maximum of five percent of the school buildings currently in use for instructional purposes in a district may be converted to charter schools. This limitation does not apply to vacant buildings or buildings not used for instructional purposes.

4. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter school shall select the method for election of officers pursuant to section 355.326, RSMo, based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

7. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter

school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

8. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 2 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. The primary campus of the college or university must be located within the county in which the school district lies wherein the charter school is located or in a county adjacent to the county in which the district is located. A university, college or community college may not charge or accept a fee for affiliation status.

9. No university, college, or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.

Section 5. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. The charter shall include a mission statement for the charter school, a description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy and operational decisions of the charter school, a financial plan for the first three years of operation of the charter school including provisions for annual audits, a description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan, a description of the grades or ages of students being served, the school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011, RSMo, and an outline of criteria specified in this section designed to measure the effectiveness of the school. The charter shall also state:

- (1) The educational goals and objectives to be achieved by the charter school;
- (2) A description of the charter school's educational program and curriculum;
- (3) The term of the charter, which shall be not less than five years, nor greater than ten years and shall be renewable;
- (4) A description of the charter school's pupil performance standards, which must meet the requirements of subdivision (6) of subsection 5 of this section. The charter school program must be designed to enable each pupil to achieve such standards; and
- (5) A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school.

2. Proposed charters shall be subject to the following requirements:

- (1) A charter may be approved when the sponsor determines that the requirements of this section are met and determines that the applicant is sufficiently qualified to operate a charter school. The sponsor's decision shall be made within sixty days of the filing of the proposed charter;
- (2) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial;
- (3) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the

charter school; and

(4) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the re-entry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk" student is one who is at least one year behind in satisfactory completion of coursework or obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime within the preceding six months, has limited English proficiency, has been suspended from school three or more times, or has been referred by the school district for enrollment in an alternative program. "Dropout" shall be defined through the guidelines of the school core data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, it shall be submitted to the state board of education which may, within forty-five days, disapprove the granting of the charter. The state board of education may disapprove a charter only on grounds that the application fails to meet the requirements of sections 4 to 8 of this act.

4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject to judicial review pursuant to chapter 536, RSMo.

5. A charter school shall, as provided in its charter:

- (1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;
- (2) Comply with laws and regulations of the state relating to health, safety, and minimum educational standards;
- (3) Except as provided in sections 4 to 8 of this act, be exempt from all laws and rules relating to schools, governing boards and school districts;
- (4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo. A charter school that incurs debt must include a repayment plan in its financial plan;
- (5) Provide a comprehensive program of instruction for at least one grade or age group from kindergarten through grade twelve, which may include early childhood education if funding for such programs is established by statute, as specified in its charter;
- (6) Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, RSMo, collect baseline data during at least the first three years for determining how the charter school is performing and to the extent applicable, participate in the statewide system of assessments, comprised of the essential skills tests and the nationally standardized norm-referenced achievement tests, as designated by the state board pursuant to section 160.518, RSMo, complete and distribute an annual report card as prescribed in section 160.522, RSMo, report to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational innovations and the results thereof, and provide data required for the study of charter schools pursuant to subsection 3 of section 6 of this act. No charter school will be considered in the Missouri school improvement program review of the district in which it is located for the resource or process standards of the program. Nothing in this paragraph shall be construed as permitting a charter school to be held to lower performance standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter;
- (7) Assure that the needs of special education children are met.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management, and operations at least once every two years.

7. (1) A sponsor may revoke a charter at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet academic performance standards as set forth in its charter, failure to meet generally accepted standards of fiscal management, or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, after which, if such plan is unsuccessful, the charter may be revoked.

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the board of directors of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action. The school's board of directors may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to health and safety of the children.

8. A school district may enter into a lease with a charter school for physical facilities. A charter school may not be located on the property of a school district unless the district governing board agrees.

9. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.

Section 6. 1. A charter school shall enroll all pupils resident in the district in which it operates or eligible to attend a district's school under an urban voluntary transfer program who submit a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education; and

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school.

2. A charter school shall not limit admission based on ethnicity, national origin, disability, gender, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level.

3. The department of elementary and secondary education shall commission a study of the performance of

students at each charter school in comparison with a comparable group and a study of the impact of charter schools upon the districts in which they are located, to be conducted by a contractor selected through a request for proposal. The department of elementary and secondary education shall reimburse the institute from funds appropriated by the general assembly for the purpose. The study of a charter school's student performance in relation to a comparable group shall be designed to provide information that would allow parents and educators to make valid comparisons of academic performance between the charter school's students and a group of students comparable to the students enrolled in the charter school. The impact study shall be undertaken every two years to determine the effect of charter schools on education stakeholders in the districts where charter schools are operated. The impact study may include, but is not limited to, determining if changes have been made in district policy or procedures attributable to the charter school and to perceived changes in attitudes and expectations on the part of district personnel, school board members, parents, students, the business community, and other education stakeholders. The department of elementary and secondary education shall make the results of the studies public and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter school, the school board and superintendent of the districts in which the charter schools are operated.

Section 7. 1. For the purposes of calculation and distribution of state school aid under section 163.031, RSMo, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides, except that payment of state aid for such pupil shall be made by the department of elementary and secondary education to the charter school attended as provided in subsection 2 of this section and shall not be made to the pupil's district of residence. Each charter school shall report the names, addresses, and eligibility for free or reduced price lunch or other categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside and to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. For each pupil attending a charter school, the department of elementary and secondary education shall pay to the charter school an annual amount equal to the per pupil state aid pursuant to section 163.031, RSMo, which would otherwise be received by the pupil's district of residence plus all other state aid attributable to such pupil, including summer school, if applicable, and the pupil's school district of residence shall pay to the charter school the product of the equalized, adjusted operating levy for school purposes for the pupil's district of residence for the current year times the guaranteed tax base per eligible pupil, as defined in section 163.011, RSMo, less the amount paid by the department to the charter school pursuant to this subsection. The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child. The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

3. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district.

4. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services, and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

5. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

6. A charter school shall be eligible for transportation state aid pursuant to section 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

7. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school district shall provide the special services provided pursuant to section 162.705, RSMo, and may provide the special services pursuant to a contract with a school district or any provider of such services.

8. A charter school may not charge tuition, nor may it impose fees that a school district is prohibited from imposing.

9. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355, RSMo.

10. Charter schools shall not have the power to acquire property by eminent domain.

11. The governing body of a charter school is authorized to accept grants, gifts, or donations of any kind and to expend or use such grants, gifts, or donations. A grant, gift, or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.

Section 8. 1. If a charter school offers to retain the services of an employee of a school district, and the employee accepts a position at the charter school, the contract between the charter school and the school district may provide that an employee at the employee's option may remain an employee of the district and the charter school shall pay to the district the district's full costs of salary and benefits provided to the employee. A teacher who accepts a position at a charter school and opts to remain an employee of the district retains such teacher's permanent teacher status and seniority rights in the district for a period no longer than three years. The school district shall not be liable for any such employee's acts while an employee of the charter school.

2. A charter school may employ noncertificated instructional personnel; provided that no more than twenty percent of the full-time equivalent instructional staff positions at the school are filled by noncertificated personnel. The charter school shall ensure that all instructional employees of the charter school have experience, training and skills appropriate to the instructional duties of the employee, and the charter school shall ensure that a criminal background check and child abuse registry check are conducted for each employee of the charter school prior to the hiring of the employee. Appropriate experience, training and skills of noncertificated instructional personnel shall be determined considering:

(1) Teaching certificates issued by another state or states;

(2) Certification by the National Standards Board;

(3) College degrees in the appropriate field;

(4) Evidence of technical training and competence when such is appropriate; and

(5) Level of supervision and coordination with certificated instructional staff.

3. Personnel employed by the charter school shall participate in the retirement system of the school district in which the charter school is located, subject to the same terms, conditions, requirements and other provisions applicable to personnel employed by the school district."

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 1, In the Title, Line 8 of said page, by deleting the word "twenty-seven" and inserting in lieu thereof the word "twenty-nine"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by deleting the word "twenty-three" and inserting in lieu thereof the word "twenty-five"; and

Further amend said bill, Page 2, Section A, Line 4 of said page, by deleting "and 2" and inserting in lieu thereof the following: ", 2, 4 and 5"; and

Further amend said bill, Page 60, Section 2, Line 1 of said page, by inserting after all of said line the following:

"Section 4. 1. Beginning in the 1999-2000 school year, an urban school district containing all or part of a city with a population of at least three hundred fifty thousand inhabitants shall, in addition to moneys received pursuant to section 163.031, RSMo, receive thirty million dollars per year.

2. The provisions of this section shall terminate if the provisions of section 163.031, RSMo, as repealed and reenacted by Senate Bill No. 781 of the eighty-ninth general assembly do become effective.

Section 5. 1. Beginning in the 1999-2000 school year, an urban school district containing all or most of a city with a population of more than three hundred fifty thousand inhabitants shall in addition to the amounts received pursuant to section 163.031, RSMo, receive reimbursement for transportation costs associated with early childhood education and development programs, head start and extended day care.

2. The total amount received by the district for transportation costs shall not exceed nine million seven hundred eighty-seven thousand dollars for any school year.

3. The provisions of this section shall terminate if the provisions of section 163.031, RSMo, as repealed and reenacted by Senate Bill No. 781 of the eighty-ninth general assembly generates at least nine million seven hundred eighty-seven thousand dollars for transportation."

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 51, Section 166.275, Line 16 of said page, by inserting after all of said line the following:

"3. Thirty million dollars of the funds remaining from the amount not distributed pursuant to subsection 2 of this section from an urban school district containing most or all of a city with more than three hundred fifty thousand inhabitants shall be distributed as follows:

- (1) Seven percent to the gifted education categorical;**
- (2) Seven percent to the remedial reading categorical;**
- (3) Forty-eight percent to the special education categorical; and**
- (4) Thirty-eight percent to the vocational education categorical."**

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 25, Section 162.081, Line 7 of said page, by inserting after all of said line the following:

"9. In the event a metropolitan school district or an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants lapses, no school district shall have all or any part of such lapsed school district attached without the approval of the board of the receiving school district."

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 22, Section 162.081, Line 14 of said page, by deleting all of said line and inserting in lieu thereof the following:

"3. In a metropolitan school district or an urban school containing most or all of a city with a population greater than three hundred fifty thousand inhabitants, and in any other school district if a return to accredited status is not anticipated by the local board of education, the".

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 83, Section 163.031, Line 18 of said page by inserting immediately after the word "**year**" the following:

", or the revenue per eligible pupil received by a district in the 1992-93 school year from the foundation formula entitlement payment amount plus the amount of line 14 per eligible pupil times the quotient of line 1 minus line 10, divided by the number of eligible pupils, or zero if line 1 minus line 10 is less than zero, divided by the revenue per eligible pupil received by the district in the 1992-93 school year from the foundation formula entitlement payment amount, whichever is greater".

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 1, In the Title, Line 3 of said page, by deleting the number "162.581,"; and

Further amend said bill, Page 1, In the Title, Line 8 of said page, by deleting the word "twenty-seven" and inserting in lieu thereof the word "twenty-six"; and

Further amend said bill, Page 1, Section A, Line 14 of said page, by deleting the number "162.581,"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by deleting the word "twenty-three" and inserting in lieu thereof the word "twenty-two"; and

Further amend said bill, Page 2, Section A, Line 2 of said page, by deleting the number "162.581,"; and

Further amend said bill, Pages 26 and 27, Section 162.581, by deleting all of said section; and

Further amend said bill, Page 27, Section 162.601, Line 13 of said page, by deleting the word "**seven**" and inserting in lieu thereof the word "**nine**"; and

Further amend said bill, Page 27, Section 162.601, Lines 18 to 22, by deleting all of said lines and inserting in lieu thereof the following: "**2. Only one board member shall be elected in 1999.**"; and

Further amend said bill, Page 28, Section 162.601, Lines 1 to 4 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"3. There shall be elected [at each municipal election in"; and

Further amend said bill, Page 28, Section 162.601, Lines 10 22 of said page, by deleting all of said lines.

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 73, Section 163.011, Line 16 of said page, by deleting the opening bracket "["; and

Further amend said bill, Page 73, Section 163.011, Line 17 of said page, by deleting "]" and, **for fiscal year 1999,**" and inserting in lieu thereof the word "and"; and

Further amend said bill, Page 73, Section 163.011, Lines 91 to 93, by deleting all of said lines and inserting in lieu thereof the following: "hundred and sixty-seven thousandths. The"; and

Further amend said bill, Page 74, Section 163.011, Line 1 of said page, by deleting all of said line; and

Further amend said bill, Page 77, Section 163.011, Lines 18 to 22 of said page, by deleting all of said lines; and

Further amend said bill, Page 78, Section 163.011, Line 1 of said page, by deleting the number "(15)" and inserting in lieu thereof the number "(14)"; and

Further amend said bill, Page 78, Section 163.011, Line 3 of said page, by deleting the number "(16)" and inserting in lieu thereof the number "(15)".

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 60, Section 2, Line 1 of said page by inserting immediately after all of said line the following:

"Section 4. 1. The provisions of this section shall be known and may be cited as the "St. Louis Students' Bill of Rights".

2. For the purposes of this section, "district" means a metropolitan school district, as defined in section 160.011, RSMo.

3. Each district shall reinstitute the basic kindergarten through eighth system of grade schools within the district.

4. Every child within the district of the appropriate age and appropriate aptitude for discipline and openness to instruction shall have the right to attend a basic kindergarten through eighth grade school.

5. Every child within the district shall have the right to attend such school closest to such child's home.

6. Every child within the district shall have the right to transfer to any other such school within the district.

7. The district shall have the right to transport children to relieve overcrowding. Transportation to relieve overcrowding shall be performed in such a manner as to fill in school seats in buildings that have surplus seats, but shall not be permitted to displace any child who has elected to attend the school located closest to such child's home.

8. The per pupil expenditure of funds for the cost of education shall be equalized to the greatest extent possible, with appropriate variation allowable in order to accommodate the special remedial needs of children who test below grade level and the needs of gifted children.

9. Schools for gifted children with accelerated academic programs shall be established and evenly distributed across the district. The district shall have the right to transport children to and from schools for the gifted. Children who attend schools for the gifted shall have the right to attend such school which is located closest to

such child's home and shall have the right to transfer to or attend any other school for the gifted within the district.

10. The provisions of the "St. Louis Students' Bill of Rights" shall only become effective upon approval by a majority of the voters of the City of St. Louis voting thereon. Such election shall be held in the City of St. Louis on the first general election date after the effective date of this section.

11. The proposal shall be submitted as follows:

Shall the St. Louis School District reinstitute the basic kindergarten through eighth grade neighborhood school system within the district and be required to permit students to attend the school closest to their home?

☐ YES ☐ NO

The St. Louis Students' Bill of Rights shall not be in effect until the completion of the case of "Liddell v. Board of Education of the City of St. Louis".

HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 20, Section 160.542, Line 13 of said page, by inserting immediately after all of said line the following:

161.527. 1. If a school district, **which has an assessed valuation per eligible pupil equal to or less than the state average assessed valuation per eligible pupil**, has transmitted by July fifteenth to the department of elementary and secondary education the report required by section 162.821, RSMo, and such school district has received a notice pursuant to section 161.525, such school district is not required to reduce its operating levy pursuant to section 164.013, RSMo, when the district next determines its tax rate in accordance with the provisions of section 164.011, RSMo. **The state average assessed valuation per eligible pupil used in this section shall be the state average used to calculate the guaranteed tax base for the state aid formula for the year the district's tax is not lowered. The district assessed valuation shall be the assessed valuation used in the calculation of the state aid formula for the year the district's tax is not lowered.** However, if a school district does not reduce its operating levy as permitted in this subsection, the school district shall not in the current and next school year increase:

(1) Its administrative costs; or

(2) The aggregate amount of funds paid for salaries of employees of the district.

2. The restrictions on increasing administrative costs and funds paid for salaries as provided for in subsection 1 of this section shall continue in the district for each subsequent school year until combined balances in the teachers' and incidental funds at the end of a fiscal year are equal to or exceed three percent of the amount expended from the funds during the previous fiscal year as determined by the department of elementary and secondary education. Such restrictions provided for in subsection 1 of this section shall not apply to increased expenditures of the district necessary to maintain health insurance coverage for district employees at the same level that may have been provided by the district prior to implementation of the restrictions. Further, the restrictions shall not apply to increased expenditures of the district necessary to meet the district's share of contributions for employees who are members of the public school retirement system of Missouri, the public school retirement system of the school district of Kansas City, or the public school retirement system of the city of St. Louis.

3. The exemption from reduction authorized by subsection 1 of this section shall be limited to two tax years, at which time the district may submit to the voters of the district the question of whether to continue such exemption."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 14

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 65, Section 162.1060.6, Line 21, by replacing "." with "," and adding the following words: "except that a special school district containing the district where the child is attending school shall be paid for all unreimbursed expenses for special education services provided to students with disabilities."

HOUSE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 22, Section 162.081, Line 11 of said page, by inserting immediately after the word "**status**" the following: ". **The plan must be developed within six months of the classification as unaccredited and shall be submitted to the voters at the next municipal election. If a majority of the voters approve the plan, the state board of education shall cooperate with the local board to implement the plan. The plan shall have two years to be effective before the provisions of subsection 3 of the section apply to the district**".

HOUSE AMENDMENT NO. 16

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 8, Section 160.011, Line 1, by inserting immediately after all of said line the following:

"160.526. 1. In establishing the academic standards authorized by subsection 1 of section 160.514 and the statewide assessment system authorized by subsection 1 of section 160.518, the state board of education shall consider the work that has been done by other states, recognized regional and national experts, professional education discipline-based associations and other professional education associations. Further, in establishing the academic standards and statewide assessment system, the state board of education shall adopt the work that has been done by consortia of other states and, subject to appropriations, may contract with such consortia to implement the provisions of sections 160.514 and 160.518.

2. The state board of education shall, by contract enlist the assistance of such national experts, as approved by the commission established pursuant to section 160.510, to receive reports, advice and counsel on a regular basis pertaining to the validity and reliability of the statewide assessment system. The reports from such experts shall be received by the commission, which shall make a final determination concerning the reliability and validity of the statewide assessment system. Within six months prior to implementation of the statewide assessment system, the commissioner of education shall inform the president pro tempore of the senate and the speaker of the house about the procedures to implement the assessment system, including a report related to the reliability and validity of the assessment instruments, and the general assembly may, within the next [thirty legislative days] **two regular legislative sessions**, veto such implementation by concurrent resolution adopted by majority vote of both the senate and the house of representatives.

3. The commissioner of education shall establish a procedure for the state board of education to regularly receive advice and counsel from professional educators at all levels in the state, district boards of education, parents, representatives from business and industry, and labor and community leaders pertaining to the implementation of sections 160.514 and 160.518. The procedure shall include, at a minimum, the appointment of ad hoc committees and shall be in addition to the advice and counsel obtained from the commission pursuant to section 160.510."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 17

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 1, In the Title, Line 5, by deleting the word "and" and inserting in lieu thereof a comma ","; and

Further amend said bill, Page 1, In the Title, Line 6, by inserting after the number "166.275" the following: " and 170.250"; and

Further amend said bill, Page 1, In the Title, Line 8, by deleting the word "twenty-seven" and inserting in lieu thereof

the word "twenty-eight"; and

Further amend said bill, Page 1, Section A, Line 16, by deleting the word and number "and 166.275" and inserting in lieu thereof the following: ", 166.275 and 170.250"; and

Further amend said bill, Page 1, Section A, Line 17, by deleting the word "twenty-three" and inserting in lieu thereof the word "twenty-four"; and

Further amend said bill, Page 2, Section A, Line 4, by inserting after the number "168.231," the number "170.250,"; and

Further amend said bill, Page 58, Section 168.231, Line 9, by inserting after all of said line the following:

"170.250. 1. The "Video Instructional Development and Educational Opportunity Program" is established to encourage all educational institutions in Missouri to supplement educational opportunities through telecommunications technology and satellite broadcast instruction. The program established by this section is to be administered by the state board of education. The program shall consist of:

(1) Grants to local school districts, state-supported institutions of higher education and public television stations as defined in section 37.205, RSMo, for equipment and instruction;

(2) Instructional programs developed pursuant to this section and transmitted through the airwaves, over telephones lines, or by cable television which are available for all residents of this state without charge as defined in this section; and

(3) Instructional programs developed pursuant to this section which are available to any subscriber according to this section.

2. The "Video Instructional Development and Educational Opportunity Fund" is established in the state treasury and shall be administered by the department of elementary and secondary education at the direction of the state board of education. Moneys deposited in the fund shall consist of revenues generated from state sales and use tax revenues as provided in chapter 144, RSMo, on the rental of films, records or any type of sound or picture transcriptions as provided in subsection 3 of this section. Moneys in the fund shall be used solely for purposes established by this section, except that the department of revenue shall retain no more than one percent of sales tax revenues collected for its administrative costs and all administrative costs of this program incurred by the department of elementary and secondary education shall be paid from this fund, which costs shall not exceed two percent. The administrative fees of the department of revenue and the department of elementary and secondary education shall be determined annually in the appropriation process. Any unexpended balance in the fund at the end of a fiscal year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.

3. Until December 31, 1994, the commissioner of administration shall annually estimate and furnish to the director of the department of revenue the appropriate amount of state tax revenues collected pursuant to chapter 144, RSMo, which are directly attributable to the rental of films, records or any type of sound or picture transcriptions. However, the estimate shall only include state sales and use tax revenues collected pursuant to chapter 144, RSMo, which are normally deposited in the state general revenue fund. The director of revenue shall transfer from state sales tax revenues an amount equal to the estimate to the fund provided in subsection 2 of this section. After December 31, 1994, the seller shall separately report on the return to the department of revenue, the aggregate amount of the gross receipts and the amount of tax collected on the rental of films, records or any type of sound or picture transcriptions. The director of revenue shall annually transfer state sales tax revenues collected on the rental of films, records or other type of sound or picture transcriptions, except revenues allocated to the school district trust fund pursuant to section 144.701, RSMo, to the video instructional development and educational opportunity fund. [Beginning January 1, 1999, such revenues shall be deposited to the credit of the general revenue fund.]

4. Within the department of elementary and secondary education, there is established an advisory committee which shall make recommendations to the state board of education on the grant program. The committee shall be composed of twenty-nine members. The members of the committee shall consist of one representative of public television stations as

defined in section 37.205, RSMo, and one representative of the cable television industry appointed by the state board of education, one representative of public television stations as defined in section 37.205, RSMo, and one representative of the cable television industry appointed by the coordinating board for higher education, three classroom teachers from the elementary and secondary level appointed by the state board of education, three school administrators of elementary or secondary schools appointed by the state board of education, three members of school boards of local public school districts appointed by the state board of education, four representatives from public community college districts appointed by the coordinating board for higher education, four representatives of state-supported institutions of higher education other than community colleges appointed by the coordinating board for higher education, one representative of the regional consortium for education and technology appointed by the state board of education, one representative of the cooperating school districts of the St. Louis suburban area appointed by the state board of education, two representatives of the public appointed by the governor with the advice and consent of the senate, two members of the senate appointed by the senate president pro tem and two members of the house of representatives appointed by the speaker of the house of representatives. Of all members appointed by the state board of education, no more than four shall be from any one congressional district and of all the members appointed by the coordinating board for higher education, no more than four shall be from any one congressional district. The members of the committee shall serve three-year terms and shall not serve more than two terms consecutively. However, committee members having served two consecutive terms may be reappointed after leaving the committee for at least one three-year term. On August 28, 1992, the committee shall designate nine of its members to serve a term of one year, ten of its members to serve a term of two years, and ten of its members to serve a term of three years. All subsequent appointments shall be for three years. All members shall receive no compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred while serving on the committee out of funds appropriated for that purpose. The committee shall meet at least quarterly and shall annually issue a report together with its recommendations to the state board of education and the general assembly.

5. The state board of education may cooperate with existing programs including the University of Missouri, other institutions of higher education, the cooperating school districts of the St. Louis suburban area, or its successor organization, the regional consortium for education and technology or its successor organization, and any statewide organization of public school governing boards and may delegate or contract for the performance or operation of the respective grant programs. The state board of education shall establish appropriate guidelines for participation by the aforementioned entities and by school districts, community college districts, and public television stations as defined in section 37.205, RSMo, in the grant program. Such guidelines shall include application procedures and shall establish policies for awarding grants in the event that more grant applications are received than are funds available to honor the applications in any fiscal year. In allocating funds to applicants, the state board of education may give due consideration to revenues available from all other sources. The state board of education shall accredit courses offered through this program at the elementary and secondary education level. The coordinating board for higher education shall approve courses taught at the postsecondary level.

6. In any fiscal year, moneys in the fund shall be used first to ensure that any and all school districts, community college districts and state institutions of higher education seeking aid under this program shall receive telecommunications equipment including computers and modems necessary to participate in the satellite learning process or instructional television video; second to provide the school districts, community college districts and state institutions of higher education with access to subjects at the advanced level or the remedial level or which are not taught in the schools of the district or the service area or campus, which subjects shall include courses in continuing education necessary for maintenance or renewal of licenses for all such licensed health care providers; and third to provide enrichment classes for all pupils of the district. However, the state board of education may set aside a portion of the funds to be used to contract with state-supported institutions of higher education and public television stations as defined in section 37.205, RSMo, to develop instructional programs for grades kindergarten through twelve and for undergraduate and graduate coursework suitable for broadcast to the school districts, community college districts and state institutions of higher education as appropriate and to develop the capability to transmit programs cited in this section.

7. Participation by a local school district, a community college district or a state institution of higher education in the program established by this section shall be voluntary. No school district, community college district or state institution of higher education receiving funds under this program shall use those funds for any purpose other than that for which they were intended. Any school district, community college district or state institution of higher education shall be

eligible to receive funds under this program regardless of its curriculum, local wealth or previous contractual arrangements to receive satellite broadcast instruction.

8. The office of administration on behalf of the state of Missouri may contract with institutions of higher education for the development or operation or both of state employee training programs transmitted by telecommunications technology.

9. Instructional programs developed pursuant to this section which are transmitted one way through the airwaves or by cable television shall be available to all residents of this state without charge or fee to the extent permitted by the Missouri Constitution. "Without charge or fee" shall not require the providing of equipment to transmit or receive telecommunications instruction or the providing of commercial cable television service. If the instructional program involves two-way, interactive communication between the instructor and the participant, the district or institution operating the program may prescribe academic prerequisites and limit the number of persons who may enroll in the specific program and give preference to residents of the district or institutional attendance area who are age twenty-one or younger but shall not discriminate against any resident on any other basis. A fee may be charged which shall be paid directly by the individual participant, but the fee shall be equal for all participants. If a subscription fee is charged by the originator of the program, the district or institution may pay the subscription fee for all participants from the grant pursuant to this section or from any other public or private fund legally authorized to be used for this purpose. Printed materials designed to facilitate or complement telecommunications programs or electronic reproductions thereof may be made available for loan by the school district, community college or institution of higher education through the public library system subject to the normal rules and regulations of the lending system and in such quantities as may be approved by the governing body of the district or institution. Instructional programs which involve two-way, interactive communication between the instructor and the participant shall also be available to any not for profit organization in this state which is exempt from taxation pursuant to subdivision (19) of subsection 2 of section 144.030, RSMo, upon payment of a reasonable subscription fee as determined by the state board of education. Such fees shall be set on a per-participant, per-course basis. The district or institution or the state board of education may make telecommunication equipment available for purchase at cost by or rental to any not for profit organization in this state which is exempt from taxation pursuant to subdivision (19) of subsection 2 of section 144.030, RSMo.

10. (1) In order to facilitate or complement telecommunications, local exchange telecommunications companies shall file with the public service commission tariffs for provision of local service to public school districts, and may file tariffs for provision of local service to accredited primary or secondary schools owned or operated by private entities and community college districts located within the local exchange telecommunications companies certified area. Such local exchange telecommunications companies shall seek commission authorization to provide local service at rates lower than those charged for business and residential service in effect when the tariff is filed, provided that the proposed rates may not be below the actual cost of providing the service. Upon approval of the public service commission, the rates shall not be classified as discriminatory for the purposes of chapter 392, RSMo.

(2) The public service commission may approve the tariff as submitted, or may, after hearing, modify the tariff in the public interest. The commission may promulgate rules to aid in the implementation of this section."

HOUSE AMENDMENT NO. 18

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 28, Section 162.601, Line 8, by deleting the word "**four**" and replacing with the word "**three**".

HOUSE AMENDMENT NO. 20

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 60, Section 2, Line 1 of said page, by adding after all of said line, the following:

"Section 4. For purposes of determining average daily attendance pursuant to section 163.011 RSMo, summer school attendance applies to the school year following the summer school term."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 22

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 1, In the Title, Line 4 of said page, by deleting "and 168.221" and inserting in lieu thereof the following: ", 168.221 and 178.900"; and

Further amend said bill, Page 1, In the Title, Line 8 of said page, by deleting the word "twenty-seven" and inserting in lieu thereof the word "twenty-eight"; and

Further amend said bill, Page 1, Section A, Line 15 of said page, by deleting "and 168.221" and inserting in lieu thereof the following: ", 168.221 and 178.900"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by deleting the word "twenty-three" and inserting in lieu thereof the word "twenty-four"; and

Further amend said bill, Page 2, Section A, Line 4 of said page, by inserting immediately after the number "168.231," the number "178.900,"; and

Further amend said bill, Page 58, Section 168.231, Line 9 of said page, by inserting after all of said line the following:

"178.900. For the purposes of sections 178.900 to 178.970 the following words mean:

(1) "Department", the department of elementary and secondary education;

(2) "Handicapped persons", a lower range educable or upper range trainable mentally retarded or other handicapped person sixteen years of age or over who has had school training and has a productive work capacity in a sheltered environment adapted to the abilities of the mentally retarded but whose limited capabilities make [him nonemployable] **the person unemployable** in competitive business and industry and unsuited for vocational rehabilitation training;

(3) "Sheltered workshop", an occupation- oriented facility operated by a not for profit corporation, which[, except for its staff,] employs [only] handicapped persons and has a minimum enrollment of at least fifteen employable handicapped persons;

(4) "Staff", employees of a sheltered workshop engaged in management, work procurement, **production**, purchasing, supervision, sales, bookkeeping, and secretarial and clerical functions."

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR

HOUSE AMENDMENT NO. 23

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 37, Section 162.1100.3, Lines 21 and 22, and page 38, line 1, by deleting all of said lines, and inserting in lieu thereof the following: "**the district's voters. The board of the transitional district shall, unless**".

HOUSE AMENDMENT NO. 25

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 20, Section 161.220, Line 20 of said page by inserting immediately after the word "**recruitment**," the following:

"including the need for identifying African-American and other minority students, including males, who show potential or interest in becoming a teacher, recruiting such students as prospective teachers, and methods for providing financial aid to such students,".

HOUSE AMENDMENT NO. 26

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 75, Section 163.011, Line 3 of said page, by inserting immediately before the word "means" the following: **"for districts making transfers pursuant to subsection 4 of section 165.011, RSMo, based upon amounts multiplied by the guaranteed tax base or making payments or expenditures related to obligations made pursuant to section 177.088, RSMo, or any combination of such transfers, payments or expenditures,"**; and further amend said page, line 7 of said page, by striking the word "and" and inserting in lieu thereof the following: **", and, for other districts, means the sum of tax rates levied for incidental, teachers, debt service and capital projects funds plus the operating levy or sales tax equivalent pursuant to section 162.1100, RSMo, of any transitional school district containing the school district, with no more than eighteen cents of the sum levied in the debt service and capital projects funds. Any portion of the operating levy for school purposes levied in the debt service and capital projects funds in excess of a sum of ten cents must be authorized by a vote of the people, after August 28, 1998, approving an increase in the operating levy, or a full waiver of the rollback pursuant to section 164.013, RSMo, with a tax rate ceiling in excess of the minimum tax rate or an issuance of general obligation bond. The operating levy";** and

Further amend said bill, page 78, section 163.011, line 18 of said page, by inserting after all of said line the following:

"163.021. 1. A school district shall receive state aid for its education program only if it:

(1) Provides for a minimum of one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section 160.041, RSMo, for each pupil or group of pupils, except that the board shall provide a minimum of one hundred seventy-four days and five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils. If any school is dismissed because of inclement weather after school has been in session for three hours, that day shall count as a school day including afternoon session kindergarten students. When the aggregate hours lost in a term due to inclement weather decreases the total hours of the school term below the required minimum number of hours by more than twelve hours for all day students or six hours for one-half day kindergarten students, all such hours below the minimum must be made up in one-half day or full day additions to the term, except as provided in section 171.033, RSMo;

(2) Maintains adequate and accurate records of attendance, personnel and finances, as required by the state board of education, which shall include the preparation of a financial statement which shall be submitted to the state board of education the same as required by the provisions of section 165.111, RSMo, for districts;

(3) Levies an operating levy for school purposes of not less than one dollar and twenty-five cents after all adjustments and reductions on each one hundred dollars assessed valuation of the district;

(4) Computes average daily attendance as defined in subdivision (2) of section 163.011 as modified by section 171.031, RSMo. Whenever there has existed within the district an infectious disease, contagion, epidemic, plague or similar condition whereby the school attendance is substantially reduced for an extended period in any school year, the apportionment of school funds and all other distribution of school moneys shall be made on the basis of the school year next preceding the year in which such condition existed.

2. [No school district shall receive more state aid, as calculated in section 163.031, for its education program than it received per eligible pupil for the school year 1990-91, unless it levies an operating levy for school purposes of not less than two dollars after all adjustments and reductions beginning with the tax year which commences January 1, 1993. For the 1994-95] **Beginning with the tax year which commences January 1, 1998, and for the 1998-99** school year and subsequent **tax and** school years, no school district shall receive more state aid, as calculated under section 163.031 for its education program, exclusive of categorical add-ons, than it received per eligible pupil for the school year 1993-94, unless it has an operating levy for [current] school purposes, **as determined pursuant to section 163.011**, of not less than two dollars and seventy-five cents after all adjustments and reductions [beginning with the tax year which commences January 1, 1994], **with no more than ten cents of this tax rate levied in the debt service and capital projects funds and eligible for entry on line 1 of the state school aid formula contained in subsection 6 of section 163.031**; except that, beginning in the 1997-98 school year, any district which is required, pursuant to article X, section

22 of the Missouri Constitution, to reduce its operating levy below the minimum tax rate otherwise required under this subsection shall not be construed to be in violation of this subsection for making such tax rate reduction. Pursuant to section 10(c) of article X of the state constitution, a school district may levy the operating levy for school purposes required by this subsection less all adjustments required pursuant to article X, section 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school district is guaranteed to receive an amount not less than the amount the school district received per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply to any school district located in a county of the second classification which has a nuclear power plant located in such district or to any school district located in a county of the third classification which has an electric power generation unit with a rated generating capacity of more than one hundred fifty megawatts which is owned or operated or both by a rural electric cooperative except that such school districts may levy for current school purposes and capital projects an operating levy not to exceed two dollars and seventy-five cents less all adjustments required pursuant to article X, section 22 of the Missouri Constitution.

3. No school district shall receive more state aid, as calculated in section 163.031, for its education program, exclusive of categorical add-ons, than it received per eligible pupil for the school year 1993-1994, if the state board of education determines that the district was not in compliance in the preceding school year with the requirements of section 163.172, until such time as the board determines that the district is again in compliance with the requirements of section 163.172.

4. The department of elementary and secondary education shall evaluate the correlation between district tax rates and district assessed valuation per pupil following each biennial property tax reassessment and shall report its findings to the governor and the general assembly by December first of the year following each reassessment. The findings shall include a calculation of the minimum required property tax rate necessary to maintain a correlation of zero or less between district property tax rate and district assessed valuation per pupil and a report of assessed valuation per pupil and district property tax rate for all districts.

5. No school district shall receive state aid, pursuant to section 163.031, if such district was not in compliance, during the preceding school year, with the requirement, established pursuant to section 160.530, RSMo, to allocate revenue to the professional development committee of the district.

6. No school district shall receive more state aid, as calculated in section 163.031, for its education program, exclusive of categorical add-ons, than it received per eligible pupil for the school year 1993-1994, if the district did not comply in the preceding school year with the requirements of subsection 7 of section 163.031.

7. No school district shall receive state aid, pursuant to section 163.031, if the district failed to make a required payment in the preceding year to the school building revolving fund pursuant to section 166.300, RSMo."; and

Further amend said bill, page 91, section 163.031, line 15 of said page, by inserting immediately after all of said line the following:

"165.011. 1. The following funds are created for the accounting of all school moneys: teachers' fund, incidental fund, free textbook fund, capital projects fund and debt service fund. The treasurer of the school district shall open an account for each fund specified in this section, and all moneys received from the county school fund and all moneys derived from taxation for teachers' wages shall be placed to the credit of the teachers' fund. All tuition fees, state moneys received under sections 162.975, RSMo, and 163.031, RSMo, and all other moneys received from the state except as herein provided shall be placed to the credit of the teachers' and incidental funds at the discretion of the district board of education. **The portion of state aid received by the district pursuant to section 163.031, RSMo, based upon the portion of the tax rate in the debt service or capital projects funds, respectively, which is included in the operating levy for school purposes pursuant to section 163.011, RSMo, shall be placed to the credit of the debt service fund or capital projects fund, respectively.** Money received from other districts for transportation, and money derived from taxation for incidental expenses shall be credited to the incidental fund. Money apportioned for free textbooks shall be credited to the free textbook fund. All money derived from taxation or received from any other source for the erection of buildings or additions thereto and the remodeling or reconstruction of buildings and the furnishing thereof, for the payment of lease purchase obligations, for the purchase of real estate, or from sale of real estate,

schoolhouses or other buildings of any kind, or school furniture, from insurance, from sale of bonds other than refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived from the sale or lease of sites, buildings, facilities, furnishings and equipment by a school district as authorized under section 177.088, RSMo, shall be credited to the capital projects fund. Money derived from taxation for the retirement of bonds and the payment of interest thereon shall be credited to the debt service fund which shall be maintained as a separate bank account. Receipts from delinquent taxes shall be allocated to the several funds on the same basis as receipts from current taxes, except that where the previous years' obligations of the district would be affected by such distribution, the delinquent taxes shall be distributed according to the tax levies made for the years in which the obligations were incurred. All refunds received shall be placed to the credit of the fund from which the original expenditures were made. Money donated to the school districts shall be placed to the credit of the fund where it can be expended to meet the purpose for which it was donated and accepted. Money received from any other source whatsoever shall be placed to the credit of the fund or funds designated by the board.

2. The school board may expend from the incidental fund the sum that is necessary for the ordinary repairs of school property and an amount not to exceed the sum of expenditures for classroom instructional capital outlay, as defined by the department of elementary and secondary education by rule, in state-approved area vocational-technical schools and .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year for classroom instructional capital outlay, including but not limited to payments authorized pursuant to section 177.088, RSMo. Any and all payments authorized under section 177.088, RSMo, except as otherwise provided in this subsection, for the purchase or lease of sites, buildings, facilities, furnishings and equipment and all other expenditures for capital outlay shall be made from the capital projects fund. If a balance remains in the free textbook fund after books are furnished to pupils as provided in section 170.051, RSMo, it shall be transferred to the teachers' fund. The board may transfer the portion of the balance remaining in the incidental fund to the teachers' fund that is necessary for the total payment of all contracted obligations to teachers. If a balance remains in the debt service fund, after the total outstanding indebtedness for which the fund was levied is paid, the board may transfer the unexpended balance to the capital projects fund. If a balance remains in the bond proceeds after completion of the project for which the bonds were issued, the balance shall be transferred from the incidental or capital projects fund to the debt service fund. After making all placements of interest otherwise provided by law, a school district may transfer from the capital projects fund to the incidental fund the interest earned from undesignated balances in the capital projects fund.

3. Tuition shall be paid from either the teachers' or incidental funds.

4. Other provisions of law to the contrary notwithstanding, the school board of a school district that satisfies the criteria specified in subsection 5 of this section may transfer from the incidental fund to the capital projects fund an amount not to exceed the greater of zero or the sum of .18 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year and the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year and any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools and an amount not to exceed .06 dollars per one hundred dollars equalized assessed valuation multiplied by the guaranteed tax base for the second preceding year multiplied by the number of resident and nonresident eligible pupils educated in the district for the second preceding year less any amount transferred pursuant to subsection 7 of this section, provided that any amount transferred pursuant to this subsection shall only be transferred as necessary to satisfy obligations of the capital projects fund less any amount expended from the incidental fund for classroom instructional capital outlay pursuant to subsection 2 of this section. For the purposes of this subsection, the guaranteed tax base and a district's count of resident and nonresident eligible pupils educated in the district shall not be less than their respective values calculated from data for the 1992-93 school year.

5. In order to transfer funds pursuant to subsection 4 of this section, a school district shall:

(1) Meet the minimum criteria for state aid and for increases in state aid for the current year established pursuant to section 163.021, RSMo;

- (2) Not incur a total debt, including short-term debt and bonded indebtedness in excess of ten percent of the guaranteed tax base for the preceding payment year multiplied by the number of resident and nonresident eligible pupils educated in the district in the preceding year;
- (3) Set tax rates pursuant to section 164.011, RSMo;
- (4) First apply any voluntary rollbacks or reductions to the total tax rate levied to the teachers' and incidental funds;
- (5) In order to be eligible to transfer funds for paying lease purchase obligations:
 - (a) Incur such obligations, except for obligations for lease purchase for school buses, prior to January 1, 1997;
 - (b) Limit the term of such obligations to no more than twenty years;
 - (c) Limit annual installment payments on such obligations to an amount no greater than the amount of the payment for the first full year of the obligation, including all payments of principal and interest, except that the amount of the final payment shall be limited to an amount no greater than two times the amount of such first-year payment;
 - (d) Limit such payments to leasing nonathletic, classroom, instructional facilities as defined by the state board of education through rule; and
 - (e) Not offer instruction at a higher grade level than was offered by the district on July 12, 1994.
6. A school district shall be eligible to transfer funds pursuant to subsection 7 of this section if:
 - (1) Prior to August 28, 1993:
 - (a) The school district incurred an obligation for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo;
 - (b) The school district notified the appropriate local election official to place an issue before the voters of the district for the purpose of funding payments under a lease purchase contract authorized under section 177.088, RSMo; or
 - (c) An issue for funding payments under a lease purchase contract authorized under section 177.088, RSMo, was approved by the voters of the district; or
 - (2) Prior to November 1, 1993, a school board adopted a resolution authorizing an action necessary to comply with subsection 9 of section 177.088, RSMo. Any increase in the operating levy of a district above the 1993 tax rate resulting from passage of an issue described in paragraph (b) of subdivision (1) of this subsection shall be considered as part of the 1993 tax rate for the purposes of subsection 1 of section 164.011, RSMo.
7. Prior to transferring funds pursuant to subsection 4 of this section, a school district may transfer, pursuant to this subsection, from the incidental fund to the capital projects [funds] **fund** an amount as necessary to satisfy an obligation of the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, but not to exceed its payments authorized under section 177.088, RSMo, for the purchase or lease of sites, buildings, facilities, furnishings, equipment, and all other expenditures for capital outlay, plus the amount to be expended for transportation equipment that is considered an allowable cost under state board of education rules for transportation reimbursements during the current year plus any amount necessary to satisfy obligations of the capital projects fund for state-approved area vocational-technical schools. A school district with a levy for school purposes no greater than the minimum levy specified in section 163.021, RSMo, and an obligation in the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, may transfer from the incidental fund to the capital projects fund the amount necessary to meet the obligation plus the transfers pursuant to subsection 4 of this section.
8. Beginning in the 1995-96 school year, the department of elementary and secondary education shall deduct from a school district's state aid calculated pursuant to section 163.031, RSMo, an amount equal to the amount of any transfer

of funds from the incidental fund to the capital projects fund performed during the previous year in violation of this section.

9. On or before June 30, 1995, a school district may transfer to the capital projects fund from the balances of the teachers' and incidental funds any amount, but only to the extent that the teachers' and incidental fund unrestricted balances on June 30, 1995, are equal to or greater than eight percent of expenditures from the teachers' and incidental funds for the year ending June 30, 1995.

10. In addition to other transfers authorized under subsections 1 to 9 of this section, a district may transfer from the teachers' and incidental funds to the capital projects fund the amount necessary to repay costs of one or more guaranteed energy savings performance contracts to renovate buildings in the school district; provided that the contract is only for energy conservation measures, as defined in section 640.651, RSMo, and provided that the contract specifies that no payment or total of payments shall be required from the school district until at least an equal total amount of energy and energy-related operating savings and payments from the vendor pursuant to the contract have been realized by the school district."; and

Further amend the title and enacting clause accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR

HOUSE AMENDMENT NO. 27

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 58, Section 1, Line 10, by deleting the words: "**with more than thirty thousand students**".

HOUSE AMENDMENT NO. 29

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 1, In the Title, Line 8 of said page, by deleting the word "twenty-seven" and inserting in lieu thereof the word "twenty-eight"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by deleting the word "twenty-three" and inserting in lieu thereof the word "twenty-four"; and

Further amend said bill, Page 2, Section A, Line 4 of said page, by deleting "and 2" and inserting in lieu thereof the following: ", 2 and 4"; and

Further amend said bill, Page 60, Section 2, Line 1 of said page, by inserting after all of said line the following:

"Section 4. The board of directors of any school district may allow any teacher or administrator in a public school district of the state of Missouri to read or post in a public school building, classroom or at a school event any excerpts or portions of the:

(1) National motto;

(2) National anthem;

(3) Pledge of allegiance;

(4) Preamble of the Missouri Constitution;

(5) Declaration of Independence;

(6) Mayflower Compact;

(7) Writings, speeches, documents, and proclamations of the founding fathers and presidents of the United

States;

(8) United States Supreme Court decisions; and

(9) Acts of the United States Congress including the published text of the Congressional Record.

There shall be no content-based censorship of American history or heritage in the state of Missouri based on religious references in the writing, document and records specified in this section."

HOUSE AMENDMENT NO. 30

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, by inserting on page 39, line 14, after the words "vocational courses," the following: "[", and further amend by

inserting on page 39, line 21, after the words "second previous year" the following: "]" or other public school district board of education approved education programs during the regular school term", and further amend by

inserting on page 39, line 22, after the words "state board of education shall" the following: "determine public school district route approval procedures to be used by each public school district board of education to", and further amend by

inserting on page 40, line 1, after the words "total miles each" the following: "public school", and further amend by

inserting on page 40, line 2, after the word "district" the following: "[", and further amend said line by

inserting after the word "economical" the following: "]" needs for safe and cost-efficient", and further amend by

inserting on page 40, line 3, after the words "the pupils and" the following: "the state board of education", and further amend said line by

inserting after the words "allowable costs." the following: "[", and further amend by

inserting on page 40, line 14, after the words "shall not be affected." the following: "]", and further amend by

inserting on page 40, line 22, after the number "3." the following: "[", and further amend by

inserting on page 41, line 9, after the words "secondary education." the following: "]", and further amend by

inserting on page 41, line 13, before the words "which may" the following: "[", and further amend by

inserting on page 41, line 18, after the word "transported", but before ";" the following: "]".

HOUSE AMENDMENT NO. 36

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, Page 91, Section C, Line 17, by adding after the words "1999", the following "for all school districts in the state of Missouri with the exception of a metropolitan school district. The provisions of section B of this act shall become effective on July 1, 1999, for a metropolitan school district."

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE REPORTS

Senator Maxwell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS**

for **HB 927**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 927

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Committee Substitute for House Bill No. 927, with Senate Amendment No. 1, Senate Amendment No. 1 to Senate Amendment No. 2, Senate Amendment No. 2 to Senate Amendment No. 2, Senate Amendment No. 2, as amended, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8, Senate Amendment No. 10, Senate Amendment No. 11, Senate Amendment No. 12, Senate Amendment No. 13, Senate Amendment No. 15 and Senate Amendment No. 16; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 927, as amended;
2. That the House recede from its position on House Bill No. 927;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 927 be third read and finally passed.

FOR THE SENATE:

/s/ William Clay
/s/ Ed Quick
/s/ Joe Maxwell
/s/ Roseann Bentley
/s/ Sam Graves

FOR THE HOUSE:

/s/ Craig Hosmer
/s/ Jim Foley
/s/ Philip Smith
/s/ Carl H. Hendrickson
/s/ Chuck Wooten

Senator Maxwell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Caskey	Clay	Curls
DePasco	Goode	Graves	House
Howard	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Schneider	Scott	Wiggins--19	
NAYS--Senators			
Bentley	Childers	Ehlmann	Flotron
Kenney	Kinder	Klarich	Rohrbach
Russell	Sims	Singleton	Westfall
Yeckel--13			
Absent--Senators			
Jacob	Staples--2		
Absent with leave--Senators--None			

On motion of Senator Maxwell, **CCS** for **SCS** for **HB 927**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 927

An Act to repeal section 36.150, RSMo 1994, and section 105.473, RSMo Supp. 1997, relating to certain political activities, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Caskey	Clay	Curls
DePasco	Goode	House	Howard
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Schneider
Scott	Staples	Wiggins--19	

NAYS--Senators

Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Rohrbach	Russell	Sims	Singleton
Westfall	Yeckel--14		

Absent--Senator Jacob--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator House moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SB 781**, as amended, and request the House to recede from its position or failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Johnson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Quick moved that **SS No. 2** for **SCS** for **SB 632**, with **HS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

Senator Quick moved that **HS** for **SS No. 2** for **SCS** for **SB 632**, as amended, be adopted.

At the request of Senator Quick, the above motion was withdrawn.

Senator Quick moved that the Senate refuse to concur in **HS** for **SS No. 2** for **SCS** for **SB 632**, as amended, and request the House to grant the Senate a conference thereon.

Senators Rohrbach and Goode offered the following substitute motion:

SUBSTITUTE MOTION

Offered by Senators Rohrbach and Goode

We move that the Senate refuse to concur in HS for SS No. 2 for SCS for SB 632, as amended, and request that the House grant a conference thereon.

We further move that the conferees be allowed to exceed the differences and that the Senate conferees be bound to adopt the following amendment:

Amend HS for SS No. 2 for SCS for SB 632, page 3, lines 10 to 22 of said page, by striking all of said lines; and further amend said bill, page 4, lines 1 to 6 of said page, by striking all of said lines and inserting in lieu thereof the following:

"for a five-dollar copayment.

6. Parents and guardians of uninsured children with incomes between two hundred twenty-six and three hundred percent of the federal poverty level who do not have access to affordable employer-sponsored health care insurance or other affordable health care coverage may obtain coverage pursuant to this subsection. For the purposes of this section, "affordable employer-sponsored health care insurance or other affordable health care coverage" refers to health insurance requiring a monthly premium less than or equal to one hundred thirty-three percent of the monthly average premium required in the state's current Missouri consolidated health care plan. The parents and guardians of eligible uninsured children pursuant to this subsection are responsible for co-payments equal to the average co-payments required in the current Missouri consolidated health care plan rounded to the nearest dollar, and a monthly premium equal to the average premium required for the Missouri consolidated health care plan; provided that the total aggregate cost-sharing for a family covered by these sections shall not exceed five percent of such family's income for the years involved. No"; and

Further amend said bill, page 5, line 2 of said page, by inserting after all of said line the following:

"8. There shall be a thirty day waiting period after enrollment for uninsured children in families with an income of more than two hundred twenty-five percent of the federal poverty level before the child becomes eligible for insurance under the provisions of sections 208.185 to 208.187. If the parent or guardian with an income of more than two hundred twenty-five percent of the federal poverty level fails to meet the copayment or premium requirements, the child shall not be eligible for coverage under this act for six months after the department provides notice of such failure to the parent or guardian."; and

Further amend said bill by renumbering the remaining subsections accordingly."; and

Further amend said bill, page 7, line 11 of said page, by inserting after all of said line the following:

"12. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in this chapter shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."; and

Further that the Senate conferees be instructed to reject House Amendment No. 2.

Senator Rohrbach moved that the above substitute motion be adopted.

President Wilson assumed the Chair.

Senator Mathewson assumed the Chair.

At the request of Senator Rohrbach, the above substitute motion was withdrawn.

Senator Quick moved that the Senate refuse to concur in **HS** for **SS No. 2** for **SCS** for **SB 632**, as amended, and request the House grant the Senate a conference thereon and further that the conferees be allowed to exceed the differences, which motion prevailed.

Senator Flotron moved that the Senate refuse to recede from its position on **SA 1** to **HCS** for **HB 1189** and grant the House a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has dissolved the conference committee on **SCS** for **HS** for **HCS** for **HB 1636** as amended and has adopted the **SCS** for **HS** for **HCS** for **HB 1636** as amended and has again taken up and passed **SCS** for **HS** for **HCS** for **HB 1636** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1043** and has again taken up and passed **SCS** for **HB 1043**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1599** and has again taken up and passed **SCS** for **HB 1599**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HB 1928** and has again taken up and passed **HB 1928** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HCS** for **HBs 1601, 1591, 1592, 1479 and 1615** and **HCS** for **HBs 1094, 1213, 1311 and 1428** as amended and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 910** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 739** and has taken up and passed **CCS** for **HCS** for **SB 739**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HB 1161** and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HB 1161**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1918** and has taken up and passed **CCS** for **SCS** for **HB 1918**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 787**, entitled:

An Act to amend chapter 620, RSMo, by adding thereto six new sections relating to the development of microenterprise programs.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 787, Page 1, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following: "To repeal section 143.805, RSMo 1994, and to enact in lieu thereof thirteen new sections relating to microeconomic development."; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Section 143.805, RSMo 1994, is repealed and thirteen new sections enacted in lieu thereof, to be known as sections 143.805, 620.1450, 620.1453, 620.1456, 620.1459, 620.1461, 620.1465, 1, 2, 3, 4, 5 and 6, to read as follows:

143.805. 1. Credits granted by other provisions of the statutes shall be applied against the tax imposed by this chapter in the following order:

- (1) Credit for income tax paid to another state authorized in section 143.081;
- (2) New business facility credit authorized in sections 135.100 to 135.160, RSMo;
- (3) Economic development credit authorized in subsection 6 of section 100.286, RSMo;
- (4) Missouri low-income housing tax credit authorized in subsection 2 of section 135.352, RSMo;
- (5) Employment of unemployed agriculture workers tax credit authorized in sections 135.275 to 135.287, RSMo;
- (6) Wood energy producer tax credit authorized in sections 135.300 to 135.311, RSMo;
- (7) Contributions to innovations centers and the corporation for science and technology tax credit authorized in sections 348.300 to 348.318, RSMo;

(8) Neighborhood assistance credit authorized in sections 32.105 to 32.125, RSMo;

(9) Special needs child adoption credit authorized in section 135.327, RSMo;

(10) Enterprise zone credit authorized in sections 135.200 to 135.255, RSMo;

(11) Senior citizens property tax credit authorized in sections 135.010 to 135.035, RSMo[.];

(12) Contributions to a family development account reserve fund authorized in sections 1 to 6 of this act.

2. The director of revenue may prescribe the priority of any other credit authorized by law."; and

Further amend said bill, Page 3, Section 620.1465, Line 4, by inserting after all of said line the following:

"Section 1. 1. Sections 1 to 6 of this act shall be known and may be cited as the family development account program.

2. For purposes of sections 1 to 6 of this act, the following terms mean:

(1) "Account holder", a person who is the owner of a family development account;

(2) "Community-based organization", any religious or charitable association formed pursuant to chapter 352, RSMo, that is approved by the director of the department of economic development to implement the family development account program;

(3) "Department", the department of economic development;

(4) "Director", the director of the department of economic development;

(5) "Family development account", a financial instrument established pursuant to section 3 of this act. Family development accounts shall be considered the same as individual developments accounts as referenced in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996;

(6) "Family development account reserve fund", the fund created by an approved community-based organization for the purposes of funding the costs incurred in the administration of the program and for providing matching funds for moneys in family development accounts;

(7) "Federal poverty level", the most recent poverty income guidelines published in the calendar year by the United States Department of Health and Human Services;

(8) "Financial institution", any bank, trust company, savings bank, credit union or savings and loan association as defined in chapter 362, 369 or 370, RSMo, and with an office in Missouri which is approved by the director for participation in the program;

(9) "Program", the Missouri family development account program established in sections 1 to 6 of this act;

(10) "Program contributor", a person or entity who makes a contribution to a family development account reserve fund and is not the account holder.

Section 2. 1. There is hereby established within the department of economic development a program to be known as the "Family Development Account Program". The program shall provide eligible families and individuals with an opportunity to establish special savings accounts for moneys which may be used by such families and individuals for education, job training, home ownership, home improvement or small business capitalization.

2. The department shall solicit proposals from community-based organizations seeking to administer the accounts on a not for profit basis. Community-based organization proposals shall include:

- (1) A requirement that the individual account holder or the family of an account holder match the contributions of a community-based organization member by contributing cash;**
- (2) A process for including account holders in decision making regarding the investment of funds in the accounts;**
- (3) Specifications of the population or populations targeted for priority participation in the program;**
- (4) A requirement that the individual account holder or the family of an account holder attend economic literacy seminars; and**
- (5) A process for including economic literacy seminars in the family development account program.**

3. In reviewing the proposals of community-based organizations, the department shall consider the following factors:

- (1) The not for profit status of such organization;**
- (2) The fiscal accountability of the community-based organization;**
- (3) The ability of the community-based organization to provide or raise moneys for matching contributions;**
- (4) The ability of the community-based organization to establish and administer a reserve fund account which shall receive all contributions from program contributors; and**
- (5) The significance and quality of proposed auxiliary services, including economic literacy seminars, and their relationship to the goals of the family development account program.**

4. No more than fifteen percent of all funds in the reserve fund account may be used for administrative costs of the program.

5. The department shall promulgate rules and regulations to implement and administer the provisions of sections 1 to 6 of this act. No rule or portion of a rule promulgated pursuant to the authority of sections 1 to 6 of this act shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 3. 1. A family or individual whose household income is less than or equal to two hundred percent of the federal poverty level may open a family development account for the purpose of accumulating and withdrawing moneys for specified expenditures. The account holder may withdraw moneys from the account on the approval of the community-based organization, without penalty, for any of the following expenditures:

- (1) Educational costs for any family member at an accredited institution of higher education;**
- (2) Job training costs for any family member eighteen years of age or older, at an accredited or licensed training program;**
- (3) Purchase of a primary residence;**
- (4) Major repairs or improvements to a primary residence; or**
- (5) Start-up capitalization of a small business for any family member eighteen years of age or older.**

2. Financial institutions approved by the department shall be permitted to establish family development accounts pursuant to sections 1 to 6 of this act. The financial institution shall certify to the department, on forms prescribed by the department and accompanied by any documentation required by the department, that such accounts have been established pursuant to the provisions of sections 1 to 6 of this act and that deposits have been made on behalf of the account holder.

3. A financial institution establishing a family development account shall:

- (1) Keep the account in the name of the account holder;**
- (2) Permit deposits to be made in the account by the following, subject to the indicated conditions:**
 - (a) The account holder; or**
 - (b) A community-based organization on behalf of the account holder. Such a deposit may include moneys to match the account holder's deposits, up to a three-to-one match rate;**
- (3) Require the account to earn at least the market rate of interest; and**
- (4) Permit the account holder, after obtaining the cosignature of the administrator of the community-based organization, to withdraw moneys from the account for any of the purposes listed in subsection 1 of this section.**

4. The total of all deposits or credits deposited from all sources into a family development account in a calendar year shall not exceed two thousand dollars. The total balance in a family development account shall not exceed fifty thousand dollars.

Section 4. 1. Any moneys withdrawn during a calendar year from a family development account by an account holder which are not withdrawn pursuant to subsection 1 of section 3 of this act are subject to a penalty of fifteen percent and the account shall be closed. The account holder shall receive the moneys which the account holder deposited in the account less any penalties, but all matching moneys shall be forfeited.

2. All penalty moneys and moneys forfeited by an account holder pursuant to subsection 1 of this section shall be returned to the family development account reserve fund of the community-based organization.

3. In the event of an account holder's death, the account may be transferred to the ownership of a contingent beneficiary. An account holder shall name contingent beneficiaries at the time the account is established and may change such beneficiaries at any time. If the named beneficiary is deceased or otherwise cannot accept the transfer, the moneys shall be transferred to the family development account reserve fund of the community-based organization.

Section 5. 1. Moneys deposited in or withdrawn pursuant to subsection 1 of section 3 of this act from a family development account by an account holder are exempted from taxation pursuant to chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, and chapter 147, 148 or 153, RSMo;

2. Interest earned by a family development account is exempted from taxation pursuant to chapter 143, RSMo.

3. Any funds in a family development account, including accrued interest, shall be disregarded when determining eligibility to receive, or the amount of, any public assistance or benefits.

4. A program contributor shall be allowed a credit against the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, and chapter 147, 148 or 153, RSMo, pursuant to sections 1 to 6 of this act. Contributions up to fifty thousand dollars per program contributor are eligible for the tax credit which shall not exceed fifty percent of the contribution amount. Credits may be carried forward for up to five years, provided all such credits shall be claimed within ten years of the year in which the contribution was made.

5. The department of economic development shall verify all tax credit claims by contributors. The administrator of the community-based organization, with the cooperation of the participating financial institutions, shall submit the names of contributors and the total amount each contributor contributes to a family development account reserve fund for the calendar year. The director shall determine the date by which such information shall be submitted to the department by the local administrator. The department shall submit verification of

qualified tax credits pursuant to sections 1 to 6 of this act to the department of revenue.

6. The total tax credits authorized pursuant to sections 1 to 6 of this act shall not exceed four million dollars in any fiscal year.

7. The tax credit allowed by this section shall apply to all taxable years beginning after December 31, 1998.

Section 6. Subject to appropriations and to the provisions of chapter 34, RSMo, the department shall annually award up to one hundred thousand dollars for an independent evaluation of the program. Based on this program evaluation, the department shall provide a comprehensive report on the program to the speaker of the house and the president pro tem of the senate by March first of each year, beginning in 1999."

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 787, Page 1, In the title, Lines 2 to 3, by deleting all of said lines and inserting in lieu thereof the following: "To repeal sections 253.557 and 253.559, RSMo 1994, relating to the development of microenterprise programs, and to enact in lieu thereof eight new sections relating to the same subject."; and

Further amend said bill, Page 1, Section A, Lines 1 to 2, by deleting all of said lines and inserting in lieu thereof the following: "Section A. Sections 253.557 and 253.559, RSMo 1994, are repealed and eight new sections enacted in lieu thereof, to be known as sections 253.557, 253.559, 620.1450, 620.1453, 620.1456, 620.1459, 620.1461 and 620.1465, to read as follows:

253.557. 1. If the amount of such credit exceeds the total tax liability for the year in which the rehabilitated property is placed in service, the amount that exceeds the state tax liability may be carried back to any of the three preceding years or carried forward for credit against the taxes imposed pursuant to chapter 143, RSMo, except for sections 143.191 to 143.265, RSMo, for the succeeding ten years, or until the full credit is used, whichever occurs first. Credits granted to a partnership, a limited liability company taxed as a partnership or multiple owners of property shall be passed through to the partners, members or owners respectively pro rata or pursuant to an executed agreement among the partners, members or owners documenting an alternate distribution method.

2. Notwithstanding any provision of law to the contrary, any entity which is not for profit, excluding religious and governmental institutions, may sell, assign, exchange, convey or otherwise transfer tax credits allowed pursuant to section 253.550 under the terms and conditions prescribed in subdivisions (1) and (2) of this subsection. Such entity, hereinafter the assignor for the purposes of this subsection, may sell, assign, exchange or otherwise transfer earned tax credits:

(1) For no less than ninety percent of the par value of such credit; and

(2) In an amount not to exceed one hundred percent of annual earned credits.

The assignee of the tax credits, hereinafter the assignee for purposes of this subsection, may use acquired credits to offset up to one hundred percent of the tax liabilities otherwise imposed pursuant to chapter 143, RSMo, and chapter 148, RSMo, except for sections 143.191 to 143.265, RSMo. Unused credits in the hands of the assignee may be carried forward and carried back in accordance with subsection 1 of this section. The assignor shall enter into a written agreement with the assignee establishing the terms and conditions of the agreement and shall perfect such transfer by notifying the department of economic development in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the department of economic development to administer and carry out the provisions of this section. Notwithstanding any provision of law to the contrary, the excess of the par value of such credits over the amount paid by the assignee for such credit shall be taxable as income of the assignee. The aggregate of all tax credits authorized pursuant to the provisions of this subsection per eligible property shall not exceed ten million dollars per year.

3. The provisions of subsection 2 of this section shall expire December 31, 2003.

253.559. 1. To claim the credit authorized pursuant to sections 253.550 to 253.561 **of senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and section 253.557 of this act**, the taxpayer shall apply to the department of economic development which, in consultation with the department of natural resources, shall determine the amount of eligible rehabilitation costs and expenses and whether the rehabilitation meets the standards of the Secretary of the United States Department of the Interior **for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources**. The issuing of certificates of eligible credits to taxpayers shall be performed by the department of economic development. The taxpayer shall attach the certificate to all Missouri income tax returns on which the credit is claimed.

2. The department of economic development shall determine, on an annual basis, the overall economic impact to the state from the rehabilitation of eligible property."

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Scott moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HCS** for **HBs 1601, 1591, 1592, 1479 and 1615** and **HCS** for **HBs 1094, 1213, 1311 and 1428**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Wiggins moved that the Senate refuse to recede from its position on **SCA 1** to **HB 1301** and grant the House a conference thereon, which motion prevailed.

On motion of Senator Quick, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

PRIVILEGED MOTIONS

Senator Howard moved that **SCS** for **SCR 37**, with **HCS**, be taken up for adoption, which motion prevailed.

On motion of Senator Howard, **HCS** for **SCS** for **SCR 37** was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Westfall	Wiggins--28
NAYS--Senators--None			
Absent--Senators			
Banks	Curls	Flotron	Kinder
Staples	Yeckel--6		
Absent with leave--Senators--None			

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HCS** for **HB 1189**, with **SCA 1**: Senators Scott, Quick, Curls, Flotron and Klarich.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HB 1301**, with **SCA 1**: Senators Wiggins, Goode, Jacob, Mueller and Childers.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HBs 1601, 1591, 1592, 1479** and **1615** and **HCS** for **HBs 1094, 1213, 1311** and **1428**, as amended: Senators Scott, Caskey, Mathewson, Sims and Ehlmann.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 910**: Senators Caskey, McKenna, Scott, Westfall and Yeckel.

CONFERENCE COMMITTEE REPORTS

Senator Howard, on behalf of the conference committee appointed to act with a like committee from the House on **SB 945**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE BILL NO. 945

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Bill No. 945, with House Amendment No. 1; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Amendment No. 1;
2. That the Senate recede from its position on Senate Bill No. 945;
3. That the attached Conference Committee Substitute for Senate Bill No. 945 be adopted; and
4. That Conference Committee Substitute for Senate Bill No. 945 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Jerry Howard
/s/ Harold L. Caskey
/s/ Mike Lybyer
/s/ Doyle Childers
/s/ Betty Sims

FOR THE HOUSE:

/s/ Larry Thomason
/s/ Sam Leake
/s/ Marilyn Williams
/s/ Jim Howerton
/s/ Jim Graham 106

Senator Howard moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley

Caskey

Childers

Clay

DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Schneider
Scott	Sims	Singleton	Westfall
Wiggins--29			

NAYS--Senators--None

Absent--Senators

Banks	Curls	Russell	Staples
Yeckel--5			

Absent with leave--Senators--None

On motion of Senator Howard, **CCS** for **SB 945**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE BILL NO. 945

An Act to repeal section 275.350, RSMo 1994, and section 263.527, RSMo Supp. 1997, relating to agricultural commodities, and to enact in lieu thereof two new section relating to the same subject, with an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Schneider
Scott	Sims	Singleton	Westfall
Wiggins--29			

NAYS--Senators--None

Absent--Senators

Banks	Curls	Russell	Staples
Yeckel--5			

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Schneider	Scott	Sims	Singleton
Westfall	Wiggins--30		

NAYS--Senators--None

Absent--Senators

Curls

Russell

Staples

Yeckel--4

Absent with leave--Senators--None

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Clay moved that the Senate refuse to concur in **HCS** for **SB 787**, as amended, and request the House to recede from its position or failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Klarich, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 809**, submitted the following conference committee report no. 2:

CONFERENCE COMMITTEE REPORT NO. 2 ON

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 809

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Committee Substitute for Senate Bill No. 809, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 809;
2. That the Senate recede from its position on Senate Bill No. 809;
3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Bill No. 809 be adopted.

FOR THE SENATE:

/s/ David Klarich
/s/ John E. Scott
/s/ Steve Ehlmann
/s/ Danny Staples
/s/ William Clay

FOR THE HOUSE:

/s/ Thomas J. Hoppe
/s/ Mike Gibbons
/s/ David Reynolds
/s/ David Levin
May Scheve

Senator Klarich moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Caskey	Clay	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Kenney	Kinder	Klarich
Lybyer	McKenna	Quick	Russell
Scott	Wiggins	Yeckel--19	
	NAYS--Senators		
Banks	Bentley	Childers	Flotron
Johnson	Mathewson	Maxwell	Mueller
Rohrbach	Schneider	Sims	Singleton
Westfall--13			
	Absent--Senators		
Curls	Staples--2		
	Absent with leave--Senators--None		

On motion of Senator Klarich, **CCS No. 2** for **HCS** for **SB 809**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE No. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 809

An Act to repeal section 71.011, RSMo 1994, and sections 72.080, 72.400, 72.401, 72.405 and 72.407, RSMo Supp. 1997, relating to certain real property, and to enact in lieu thereof nine new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Quick	Rohrbach	Russell	Schneider
Scott	Staples	Wiggins	Yeckel--28
	NAYS--Senators		
Banks	Flotron	Mueller	Sims
Singleton	Westfall--6		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Johnson, on behalf of the conference committee appointed to act with a like committee from the House on **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 675, 483, 490 and 564**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 675, 483, 490 and 564Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 675, 483, 490 and 564, with House Substitute Amendment No. 1 for House Amendment No. 2, House Substitute Amendment No. 1 for House Amendment No. 3, House Amendment No. 4 and House Amendment No. 5; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 675, 483, 490 and 564, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 675, 483, 490 and 564;
3. That the attached Conference Committee Substitute for House Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 675, 483, 490 and 564 be adopted;
4. That the attached Conference Committee Substitute for House Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 675, 483, 490 and 564 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Sidney Johnson
/s/ Harry Wiggins
/s/ Bill McKenna
/s/ Doyle Childers
/s/ Walt Mueller

FOR THE HOUSE:

/s/ May Scheve
/s/ Joan Bray
/s/ Steve Gaw
/s/ Don Lograsso
/s/ Carl M. Vogel

Senator Johnson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Banks
Curls--2
Absent with leave--Senators--None

On motion of Senator Johnson, **CCS** for **HS No. 2** for **HCS** for **SS** for **SCS** for **SBs 675, 483, 490 and 564**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 675, 483, 490 and 564

An Act to repeal sections 135.030 and 143.161, RSMo 1994, and section 135.010, RSMo Supp. 1997, relating to tax relief, and to enact in lieu thereof three new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1918**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1918

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 1918, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies

as follows:

1. That the House recede from its position on House Bill No. 1918;
2. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1918;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1918 be adopted.

FOR THE SENATE:

/s/ Harold Caskey
/s/ Ted House
/s/ Betty Sims
/s/ Roseann Bentley
/s/ Ronnie DePasco

FOR THE HOUSE:

/s/ Don Lograsso
/s/ Carol Stroker
/s/ Craig Hosmer
/s/ Luann Ridgeway
/s/ Lana Ladd Stokan

Senator Caskey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

On motion of Senator Caskey, **CCS** for **SCS** for **HB 1918**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1918

An Act to repeal sections 105.271, 565.070 and 566.023, RSMo 1994, and sections 453.010, 453.015, 453.030, 453.040, 453.070, 453.075, 453.077, 453.080 and 453.170, RSMo Supp. 1997, relating to domestic relations, and to enact in lieu thereof nineteen new sections relating to the same subject, with penalty provisions and an effective date for a certain section.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers

Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None
 Absent--Senator Jacob--1
 Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1161**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
 SENATE COMMITTEE SUBSTITUTE FOR
 HOUSE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 HOUSE BILL NO. 1161

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1161, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1161;
2. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1161, as amended;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1161 be adopted.

FOR THE SENATE:

/s/ Wayne Goode
 /s/ Joe Maxwell
 /s/ Steve Ehlmann
 /s/ Ken Jacob
 /s/ Doyle Childers

FOR THE HOUSE:

/s/ Gary Wiggins
 /s/ Randall Relford
 /s/ Jim Howerton
 /s/ Larry Crawford
 /s/ Bill Ransdall

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

On motion of Senator Goode, **CCS** for **SCS** for **HS** for **HCS** for **HB 1161**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1161

An Act to repeal sections 640.102, 640.115, 640.120, 640.125, 640.130, 644.101, 644.116 and 644.122, RSMo 1994, and section 640.100, RSMo Supp. 1997, relating to public drinking water, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions and an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Flotron--1

Absent with leave--Senators--None

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **HB 1189**, as amended: Representatives: Liese, Johnson, Stoll, Hartzler (123), Burton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HS** for **HBs 1601, 1591, 1592, 1479** and **1615** and **HCS** for **HBs 1094, 1213, 1311** and **1428**, as amended: Representatives: Treadway, Barry, Foley, Nordwald and Hegeman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HB 1301**, as amended: Representatives: Campbell, Bray, VanZandt, Lograsso and Gaston.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SB 910**: Representatives: Dougherty, Campbell, Monaco, Ridgeway and Gibbons.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SS No. 2** for **SCS** for **SB 632** as amended and grants the Senate a conference thereon and

further the House conferees are allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SS No. 2** for **SCS** for **SB 632**, as amended: Representatives: Lakin, Hollingsworth, Gaw, Shields and Elliott.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SB 781**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SB 781**, as amended: Representatives: Stoll, McLuckie, Troupe, Shields and Scott.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee, to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 781**, as amended: Senators House, Caskey, Clay, Ehlmann and Flotron.

Also,

President Pro Tem McKenna appointed the following conference committee, to act with a like committee from the House on **HS** for **SS No. 2** for **SCS** for **SB 632**, as amended: Senators Quick, McKenna, Goode, Westfall and Rohrbach.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HB 1229**, with **SCS**; **HS** for **HB 1694**, with **SCS**; **HS** for **HCS** for **HBs 1455** and **1463**, with **SCS**; **HCS** for **HS** for **HBs 1237, 1409, 1166, 1154** and **1491**, with **SCA 1**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1258**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1258, Page 1, In the Title, Line 2, by striking all of said line and inserting in lieu thereof the following: "To repeal section 135.333, RSMo 1994, and sections 135.326 and 135.327, RSMo Supp. 1997, relating to certain child care tax benefits, and to enact in lieu thereof eight new sections relating to the same subject, with an effective date for certain sections."; and

Further amend said bill and page, section 1, line 1, by inserting immediately before said section the following:

"Section A. Section 135.333, RSMo 1994, and sections 135.326 and 135.327, RSMo Supp. 1997, are repealed and eight new sections enacted in lieu thereof, to be known as sections 135.326, 135.327, 135.333, 1, 2, 3, 4 and 5, to read as follows:

135.326. As used in sections 135.325 to 135.339, the following terms shall mean:

(1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo;

(2) "Handicap", a mental, physical, or emotional impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, and where the impairment is verified by medical findings;

(3) "Nonrecurring adoption expenses", reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a special needs child and which are not incurred in violation of federal, state, or local law;

(4) "Special needs child", a child for whom it has been determined by the division of family services, **or** by a child placing agency licensed by the state, or by a court of competent jurisdiction to be a child:

(a) That cannot or should not be returned to the home of his or her parents; [and] **or**

(b) Who has a specific factor or condition such as ethnic background, age, membership in a minority or sibling group, medical condition, or handicap because of which it is reasonable to conclude that such child cannot be easily placed with adoptive parents; [and] **or**

(c) Except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents;

(5) "State tax liability", any liability incurred by a taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions.

135.327. **1.** Any person residing in this state who [legally adopts] **proceeds in good faith with the adoption of** a special needs child on or after January 1, [1988] **1999**, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child [adopted] that may be applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to enable that employee to [legally adopt] **proceed in good faith with the adoption of** a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child [adopted] that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

2. Individuals and business entities may claim a tax credit for their total nonrecurring adoption expenses in each year that the expenses are incurred. The total of these tax credits shall not exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax credits which may be claimed by taxpayers for nonrecurring adoption expenses in any one fiscal year shall not exceed two million dollars.

3. Notwithstanding any provision of law to the contrary, any individual or business entity may assign tax credits allowed in this section to the not for profit organization involved in the adoption proceedings.

135.333. **1.** Any amount of tax credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed a total of five years for which a tax credit may be taken for each child adopted.

2. Tax credits that are assigned to not for profit organizations as allowed in section 135.326 may be assigned in their entirety notwithstanding the taxpayer's tax due."

Senator House, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 1265**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 26**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

HOUSE BILLS ON THIRD READING

HS for **HB 1694**, with **SCS**, entitled:

An Act relating to the Advantage Missouri Program, with an effective date.

Was taken up by Senator Maxwell.

SCS for **HS** for **HB 1694**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 1694

An Act to amend chapter 166, RSMo, and chapter 173, RSMo, by adding thereto nineteen new sections relating to financial assistance for certain students, with an effective date for a certain section.

Was taken up.

Senator Maxwell moved that **SCS** for **HS** for **HB 1694** be adopted.

Senator Maxwell offered **SS** for **SCS** for **HS** for **HB 1694**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 1694

An Act to amend chapter 166, RSMo, and chapter 173, RSMo, by adding thereto nineteen new sections relating to financial assistance for certain students, with an effective date for a certain section.

Senator Maxwell moved that **SS** for **SCS** for **HS** for **HB 1694** be adopted.

Senator Maxwell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1694, Page 1, Section 166.410, Line 11, by inserting the following:

"(4) "Financial institution", a bank, insurance company or registered investment company;" and

Further amend said section by renumbering the remaining subsections accordingly; and

Further amend page 4, section 166.415, line 3, by inserting after the word "participants", the following: ", either directly or through a contractual arrangement with a financial institution for investment services,".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1694, Page 11, Section 166.455, Line 10, by inserting immediately after said line the following:

"173.241. 1. Any Missouri resident who is at least sixty-five years of age on or before August first of a school year and who possesses the qualifications set forth in this section shall be awarded a scholarship to a state educational institution, as the term is defined in section 176.010, RSMo, of the person's choice. Such scholarship shall consist of an exemption from tuition at the institution attended. Persons seeking a scholarship pursuant to this section shall provide documentation of age to the institution attended and shall satisfy all other necessary entrance requirements of the school of their choice in order to be eligible to receive a scholarship.

2. Certification and eligibility for the tuition benefits provided under this section, including satisfaction of applicable entrance requirements, shall be determined by the chosen educational institution.

3. Each state educational institution shall determine the number of students who may receive the tuition benefit based on available class space after tuition-paying students have enrolled. No institution shall be required to provide tuition benefits to any person if the institution is already providing tuition benefits to at least as many students as the number of students established pursuant to this subsection.

4. If a recipient of a scholarship pursuant to this section is found no longer eligible for tuition benefits under this section by the institution while enrolled in a course of study, the scholarship shall be terminated on the date the member is found no longer eligible for tuition benefits.

5. A person receiving a scholarship pursuant to this section shall take all tuition-free courses on a non-credit basis and shall satisfy all course prerequisites of the institution.

6. An institution may charge a registration fee, not to exceed twenty-five dollars per semester, from any person receiving a scholarship at that institution pursuant to this section."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1694, Page 1, In the Title, Lines 2-5, by striking all of said lines and inserting in lieu thereof the following: "To repeal sections 174.620 and 175.021, RSMo 1994, and sections 172.035, 174.055 and 174.610, RSMo Supp. 1997, relating to higher education, and to enact in lieu thereof thirty new sections relating to the same subject, with an effective date for a certain section."; and

Further amend said bill and page, section A, lines 1 to 6, by striking all of said lines and inserting in lieu thereof the following:

Section A. Sections 174.620 and 175.021, RSMo 1994, and sections 172.035, 174.055 and 174.610, RSMo Supp. 1997,

are repealed and thirty new sections enacted in lieu thereof, to be known as sections 166.400, 166.410, 166.415, 166.420, 166.425, 166.430, 166.435, 166.440, 166.445, 166.450, 166.455 172.035, 172.036, 172.037, 173.775, 173.778, 173.781, 173.784, 173.787, 173.793, 173.796, 174.055, 174.056, 174.057, 174.610, 174.620, 174.622, 175.021, 175.022 and 175.023, to read as follows:"; and

Further amend said bill, page 11, section 166.455, line 10, by inserting after all of said line the following:

"172.035. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board[, except any meeting, record or vote closed under the provisions of section 610.025, RSMo]. Such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government presidents of the campuses of the university, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of [his] **such person's** appointment as a student at the University of Missouri.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1986.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until [his] **the student representative's** successor is appointed and qualified.

5. If the student representative ceases to be a student at the University of Missouri, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless [his] **such** absence is caused by sickness or some accident preventing [his] **such representative's** arrival at the time and place appointed for the meeting.

[6. The student representative while attending meetings of the board shall receive his actual expenses which shall be paid out of the ordinary revenues of the university.]

6. The student representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.

7. Appointments made under this section shall be made in rotation from each of the four campuses of the University of Missouri, beginning with a student from the Columbia campus, next from the Rolla campus, next from the Kansas City campus, and then from the St. Louis campus.

8. Unless alternative arrangements for payment have been made and agreed to by the student and the university, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

172.036. 1. The governor shall, by and with the advice and consent of the senate, appoint a faculty representative to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board. Such faculty representative shall have the same powers as other members of the board of curators except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be selected from a panel of three names submitted to the governor by the faculty government presidents of the campuses of the university, be a full-time faculty member at the university, be a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be two years.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until such faculty member representative's successor is appointed and qualified.

5. If the faculty member representative ceases to be a full-time faculty member at such member's campus of the University of Missouri, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.

7. Appointments made pursuant to this section shall be made in rotation from each of the four campuses of the University of Missouri, beginning with a faculty member from the Columbia campus, next from the Kansas City campus, next from the Rolla campus, and then from the St. Louis campus.

172.037. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not a student or faculty representative, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative, the faculty representative or both."; and

Further amend said bill, page 18, section 173.796, line 2, by inserting after all of said line the following:

"174.055. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of regents **or governors** of each educational institution referred to in section 174.020 who shall attend all meetings and participate in all deliberations of the board[, except any meeting, record or vote closed under the provisions of section 610.025, RSMo]. Such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the institution as defined by the board, selected from a panel of three names submitted to the governor by the student government president, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of [his] **such person's** appointment as a student at the institution.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1986.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until [his] **such representative's** successor is appointed and qualified.

5. If the student representative ceases to be a student at the institution, or a resident of the state of Missouri, or fails to follow the board's attendance policy, the student representative's position shall at once become vacant, unless the student representative's absence is caused by sickness or some accident preventing the student representative's arrival at the time and place appointed for the meeting.

[6. The student representative shall receive no compensation or reimbursement for expenses.]

6. The student representative shall receive the same reimbursement for expenses as other members of the board of regents receive pursuant to section 174.100.

7. Unless alternative arrangements for payment have been made and agreed to by the student and the

educational institution, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due.

174.056. 1. There shall be a faculty representative to the board of regents or governors of each educational institution referred to in section 174.020, appointed by the governor with the advice and consent of the senate, who shall attend all meetings and participate in all deliberations of the board. Such faculty member representative shall have the same powers as the other members of the board, except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be selected from a panel of three names submitted to the governor by the president of each institution's faculty government association, be a full-time faculty member at the institution, a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be two years.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until such faculty member representative's successor is appointed and qualified.

5. If the faculty member representative ceases to be a full-time faculty member at the institution, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of regents receive pursuant to section 174.100.

174.057. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not a student or faculty representative, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative, the faculty representative or both.

174.610. [1.] The governing board of the Truman State University shall be a board of governors consisting of [ten] **eleven** members, composed of seven voting members and [three] **four** nonvoting members as provided in section 174.620, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting governor who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years [next] **immediately** prior to [his] **such person's** appointment. Not more than four voting governors shall belong to any one political party. The appointed members of the board of regents serving on January 1, 1986, shall become members of the board of governors on January 1, 1986, and serve until the expiration of the terms for which they were appointed.

[2. The board of regents of the Truman State University is abolished.]

174.620. 1. The board of governors shall be appointed as follows:

(1) Four voting members [shall be selected] from the counties of Adair, Audrain, Boone, Callaway, Chariton, Clark, Howard, Knox, Lewis, Lincoln, Linn, Marion, Macon, Monroe, Montgomery, Pike, Putnam, Ralls, Randolph, St. Charles, Schuyler, Scotland, Shelby, Sullivan, and Warren, provided that not more than one member shall be appointed from the same county [of these aforementioned counties];

(2) Three voting members [shall be selected] from any of the seven college districts as contained in section 174.010, provided that no more than one member shall be appointed from the same congressional district;

(3) Two nonvoting members whose residence is other than the state of Missouri and who are knowledgeable of the educational mission of liberal arts institutions [shall be selected]; [and]

(4) One nonvoting member who is a student [shall be selected as provided in section 174.055]. **Such student representative shall attend all meetings and participate in all deliberations of the board. Such student representative shall not have the right to vote on any matter before the board, but shall have all other powers and duties of section 174.055, and shall also meet the qualifications of section 174.055;**

(5) One nonvoting member who is a full-time faculty member shall be selected as provided in section 174.622.

2. The term of service of the governors shall be as follows:

(1) The voting members shall be appointed for terms of six years; except, that of the voting members first appointed, two shall serve for terms of two years, two for terms of four years, and three for terms of six years;

(2) The nonvoting members who are not students **or faculty members** shall be appointed for terms of six years; except, that of the nonvoting members first appointed, one shall serve for a term of three years, and one shall serve a term of six years; and

(3) The nonvoting student member shall serve a two-year term as provided in section 174.055, **and the nonvoting faculty member shall serve a two-year term as provided in section 174.622.**

3. The governors, **both nonvoting and voting**, while attending the meetings of the board shall receive their actual and necessary expenses, which shall be paid out of the ordinary revenues of the university. Vacancies in terms of office caused by death, resignation or removal shall be filled in the manner provided by law for such vacancies on the board of curators of the [State] University of Missouri.

174.622. 1. The governor shall with the advice and consent of the senate appoint a faculty member representative to the board of governors of Truman State University, who shall attend all meetings and participate in all deliberations of the board. Such faculty member representative shall have the same powers and duties as the other members of the board of governors, except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be selected from a panel of three names submitted to the governor by the president of the university's faculty senate, be a full-time faculty member at the university, a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be two years.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until such faculty member representative's successor is appointed and qualified.

5. If the faculty member representative ceases to be a full-time faculty member at the university, or a resident of the state of Missouri, such position shall at once become vacant.

175.021. 1. The governor shall, by and with the advice and consent of the senate, appoint a student representative to the board of curators of Lincoln University, who shall attend all meetings and participate in all deliberations of the board[, except any meeting, record or vote closed under the provisions of section 610.025, RSMo]. Such student representative shall not have the right to vote on any matter before the board.

2. Such student representative shall be a full-time student at the university as defined by the board, selected from a panel of three names submitted to the governor by the student government association of the university, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of [his] **such person's** appointment as a student at the university.

3. The term of the student representative shall be two years, except that the person first appointed shall serve until January 1, 1989.

4. If a vacancy occurs for any reason in the position of student representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until [his] **such student representative's** successor is appointed and qualified.

5. If the student representative ceases to be a student at the university, or a resident of the state of Missouri, or fails to attend any regularly called meeting of the board of which [he] **such representative** has due notice, [his] **the** position shall at once become vacant, unless [his] **such student representative's** absence is caused by sickness or some accident preventing [his] **such representative's** arrival at the time and place appointed for the meeting.

[6. The student representative shall receive no compensation or reimbursement for expenses.]

6. The student representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 175.030.

7. Unless alternative arrangements for payment have been made and agreed to by the student and the university, the student [representatives of all public colleges and universities] **representative** shall have paid all student and tuition fees due prior to [said appointments] **such appointment** and shall pay all future student and tuition fees during the term of office when [said] **such** fees are due.

175.022. 1. The governor shall with the advice and consent of the senate appoint a faculty member representative to the board of curators of Lincoln University, who shall attend all meetings and participate in all deliberations of the board. Such faculty member representative shall have the same powers as the other members of the board of curators, except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be selected from a panel of three names submitted to the governor by the chair of the university faculty senate, be a full-time faculty member at the university, a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be two years.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until such faculty member representative's successor is appointed and qualified.

5. If the faculty member representative ceases to be a full-time faculty member at the university, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 175.030.

175.023. 1. For the purposes of this chapter, confidentiality, as determined by the board and as provided by law, shall apply to all members and representatives on the board.

2. Any member or representative on the board may recuse himself or herself from any deliberation or proceeding of the board.

3. Upon a unanimous affirmative vote of the members of the board who are present and who are not a student or faculty representative, a given meeting closed pursuant to sections 610.021 and 610.022, RSMo, shall be closed to the student representative, the faculty representative or both."

Senator Jacob moved that the above amendment be adopted.

Senator Mathewson assumed the Chair.

Senator Flotron raised the point of order that **SA 3** is out of order in that the amendment goes beyond the intent of the subject matter of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator House offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1694, Page 11, Section 166.455, Line 10, by inserting after all of said line the following:

"173.260. 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

- (1) "Board", the coordinating board for higher education;
- (2) "Eligible child", the natural, adopted or stepchild of a public safety officer or employee, as defined in this section, who is less than twenty-four years of age and who is a dependent of a public safety officer or employee or was a dependent at the time of death **or permanent and total disability** of a public safety officer or employee;
- (3) "Employee", any full-time employee of the department of highways and transportation engaged in the construction or maintenance of the state's highways, roads and bridges;
- (4) "Grant", the public safety officer or employee survivor grant as established by this section;
- (5) "Institution of postsecondary education", any approved public or private institution as defined in section 173.205;
- (6) **"Line of duty", any action of a public safety officer, whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires, is authorized or obligated by law, rule, regulation or condition of employment or service to perform;**
- [(6)] (7) "Public safety officer", any firefighter, police officer, **capitol police officer**, parole officer, probation officer, state correctional employee, water safety officer, **park ranger**, conservation officer or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed **or permanently and totally disabled** in the line of duty;
- (8) **"Permanent and total disability", a disability which renders a person unable to engage in any gainful work;**
- (9) **"Spouse", the husband, wife, widow or widower of a public safety officer or employee at the time of death or permanent and total disability of such public safety officer;**

[(7)] (10) "Tuition", any tuition or incidental fee or both charged by an institution of postsecondary education, as defined in this section, for attendance at that institution by a student as a resident of this state.

2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall provide, as defined in this section, a grant for **either of the following to attend an institution of postsecondary education:**

- (1) An eligible child of a public safety officer or employee killed **or permanently and totally disabled** in the line of duty [to attend an institution of postsecondary education.]; **or**
- (2) **A spouse of a public safety officer killed or permanently and totally disabled in the line of duty.**

3. An eligible child **or spouse** may receive a grant under this section only so long as the child **or spouse** is enrolled in a

program leading to a certificate, or an associate or baccalaureate degree. In no event shall a child **or spouse** receive a grant beyond the completion of the first baccalaureate degree or, **in the case of a child**, age twenty-four years, except that the child may receive a grant through the completion of the semester or similar grading period in which the child reaches his twenty-fourth year. No child **or spouse** shall receive more than one hundred percent of tuition when combined with similar funds made available to such child **or spouse**.

4. The coordinating board for higher education shall:

- (1) Promulgate all necessary rules and regulations for the implementation of this section;
- (2) Determine minimum standards of performance in order for a child **or spouse** to remain eligible to receive a grant under this program;
- (3) Make available on behalf of an eligible child **or spouse** an amount toward the child's **or spouse's** tuition which is equal to the grant to which the child **or spouse** is entitled under the provisions of this section;
- (4) Provide the forms and determine the procedures necessary for an eligible child **or spouse** to apply for and receive a grant under this program.

5. An eligible child **or spouse** who is enrolled or has been accepted for enrollment as an undergraduate postsecondary student at an approved institution of postsecondary education shall receive a grant in an amount not to exceed the least of the following:

- (1) The actual tuition, as defined in this section, charged at an approved institution where the child **or spouse** is enrolled or accepted for enrollment; or
- (2) The amount of tuition charged a Missouri resident at the University of Missouri for attendance as a full-time student, as defined in section 173.205.

6. An eligible child **or spouse** who is a recipient of a grant may transfer from one approved public or private institution of postsecondary education to another without losing his entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at any time withdraws from the institution of postsecondary education so that under the rules and regulations of that institution he is entitled to a refund of any tuition, fees, or other charges, the institution shall pay the portion of the refund to which he is entitled attributable to the grant for that semester or similar grading period to the board.

7. If an eligible child **or spouse** is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the eligible child **or spouse**.

8. Nothing in this section shall be construed as a promise or guarantee that a person will be admitted to an institution of postsecondary education or to a particular institution of postsecondary education, will be allowed to continue to attend an institution of postsecondary education after having been admitted, or will be graduated from an institution of postsecondary education.

9. A public safety officer who is permanently and totally disabled shall be eligible for a grant pursuant to the provisions of this section.

10. An eligible child of a public safety officer or employee, spouse of a public safety officer or public safety officer shall cease to be eligible for a grant pursuant to this section when such public safety officer or employee is no longer permanently and totally disabled."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1694, Page 1, In the Title, Line 4, by striking the words "financial assistance for certain students" and inserting in lieu thereof the words "higher education"; and

Further amend said bill, Page 11, Section 166.455, Line 10, by inserting after all of said line the following:

"173.005. 1. There is hereby created a "Department of Higher Education", and the division of higher education of the department of education is abolished and all its powers, duties, functions, personnel and property are transferred as provided by this act.

2. The commission on higher education is abolished and all its powers, duties, personnel and property are transferred by type I transfer to the "Coordinating Board for Higher Education", which is hereby created, and the coordinating board shall be the head of the department. The coordinating board shall consist of nine members appointed by the governor with the advice and consent of the senate, and not more than five of its members shall be of the same political party. None of the members shall be engaged professionally as an educator or educational administrator at the time appointed or during his term. The other qualifications, terms and compensation of the coordinating board shall be the same as provided by law for the curators of the University of Missouri. The coordinating board may, in order to carry out the duties prescribed for it in subsections 1, 2, 3, 7, and 8 of this section, employ such professional, clerical and research personnel as may be necessary to assist it in performing those duties, but this staff shall not, in any fiscal year, exceed twenty-five full-time equivalent employees regardless of the source of funding. In addition to all other powers, duties and functions transferred to it, the coordinating board for higher education shall have the following duties and responsibilities:

- (1) The coordinating board for higher education shall have approval of proposed new degree programs to be offered by the state institutions of higher education;
- (2) In consultation with the heads of the institutions of higher education affected and against a background of carefully collected data on enrollment, physical facilities, manpower needs, institutional missions, the coordinating board for higher education shall establish guidelines for appropriation requests by those institutions of higher education; however, other provisions of this act notwithstanding, all funds shall be appropriated by the general assembly to the governing board of each public four-year institution of higher education which shall prepare expenditure budgets for the institution;
- (3) No new state supported senior colleges or residence centers shall be established except as provided by law and with approval of the coordinating board for higher education;
- (4) The coordinating board for higher education shall establish admission guidelines consistent with institutional missions;
- (5) The coordinating board shall establish policies and procedures for institutional decisions relating to the residence status of students;
- (6) The coordinating board shall establish guidelines to promote and facilitate the transfer of students between institutions of higher education within the state;
- (7) The coordinating board shall collect the necessary information and develop comparable data for all institutions of higher education in the state. The coordinating board shall use this information to delineate the areas of competence of each of these institutions and for any other purposes deemed appropriate by the coordinating board;
- (8) Compliance with requests from the coordinating board for institutional information and the other powers, duties and responsibilities, herein assigned to the coordinating board, shall be a prerequisite to the receipt of any funds for which

the coordinating board is responsible for administering; [and]

(9) If any institution of higher education in this state, public or private, willfully fails or refuses to follow any lawful guideline, policy or procedure established or prescribed by the coordinating board, or knowingly deviates from any such guideline, or knowingly acts without coordinating board approval where such approval is required, or willfully fails to comply with any other lawful order of the coordinating board, the coordinating board may, after a public hearing, withhold or direct to be withheld from that institution any funds the disbursement of which is subject to the control of the coordinating board, or may remove the approval of the institution as an "approved institution" within the meaning of section 173.205, but nothing in this section shall prevent any institution of higher education in this state from presenting additional budget requests or from explaining or further clarifying its budget requests to the governor or the general assembly[.]; **and**

(10) The coordinating board shall not restrict any approved private institution of higher education, as defined in section 173.205, from creating or modifying a course or program of study or adding a new location.

3. The coordinating board shall meet at least four times annually with an advisory committee who shall be notified in advance of such meetings. The coordinating board shall have exclusive voting privileges. The advisory committee shall consist of twenty-two members, who shall be the president or other chief administrative officer of the University of Missouri; the chancellor of each campus of the University of Missouri; the president of each state supported four-year college or university, including Harris-Stowe State College, Missouri Southern State College, Missouri Western State College, and Lincoln University; three representative public junior college presidents, selected by the public junior college presidents each biennium and representatives of each of five accredited private institutions selected biennially, under the supervision of the coordinating board, by the presidents of all of the state's privately supported institutions; but always to include at least one representative from one privately supported junior college, one privately supported four-year college, and one privately supported university. The conferences shall enable the committee to advise the coordinating board of the views of the institutions on matters within the purview of the coordinating board.

4. The University of Missouri, Lincoln University, and all other state governed colleges and universities, chapters 172, 174 and 175, RSMo, and others, are transferred by type III transfers to the department of higher education subject to the provisions of subsection 2 of this section.

5. The state historical society, chapter 183, RSMo, is transferred by type III transfer to the University of Missouri.

6. The state anatomical board, chapter 194, RSMo, is transferred by type II transfer to the department of higher education.

7. All the powers, duties and functions vested in the division of public schools and state board of education relating to junior college state aid and the supervision, formation of districts and all matters otherwise related to the state's relations with junior college districts and matters pertaining to junior colleges in public school districts, chapters 163 and 178, RSMo, and others, are transferred to the coordinating board for higher education by type I transfer. Provided, however, that all responsibility for administering the federal-state programs of vocational-technical education, except for the 1202a post-secondary educational amendments of 1972 program, shall remain with the department of elementary and secondary education. The department of elementary and secondary education and the coordinating board for higher education shall cooperate in developing the various plans for vocational-technical education; however, the ultimate responsibility will remain with the state board of education.

8. The administration of sections 163.171 and 163.181, RSMo, relating to teacher-training schools in cities, is transferred by type I transfer to the coordinating board for higher education.

9. All the powers, duties, functions, personnel and property of the state library and state library commission, chapter 181, RSMo, and others, are transferred by type I transfer to the coordinating board for higher education, and the state library commission is abolished. The coordinating board shall appoint a state librarian who shall administer the affairs of the state library under the supervision of the board.

10. All the powers, duties, functions, and properties of the state poultry experiment station, chapter 262, RSMo, are

transferred by type I transfer to the University of Missouri, and the state poultry association and state poultry board are abolished. In the event the University of Missouri shall cease to use the real estate of the poultry experiment station for the purposes of research or shall declare the same surplus, all real estate shall revert to the governor of the state of Missouri and shall not be disposed of without legislative approval.

173.006. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 5** is out of order in that it goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Ehlmann offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1694, Page 18, Section 173.796, Line 2, by inserting after said line the following:

"Section 1. 1. The coordinating board for higher education shall establish, by rule, a tuition prepayment program which shall allow a parent, guardian or other responsible person to contribute, on behalf of a child, a fixed annual amount beginning when the child is three years of age for a period of fifteen years. Upon payment of the final annual installment, the child shall, if otherwise qualified to attend such school, be entitled to attend any campus of the state university for up to four years of full-time attendance or an equivalent amount of attendance with a complete exemption from all tuition and other related fees. If a payment is not made for a year for which a payment is otherwise required pursuant to this section, the payee may opt to make a double payment the following year and maintain eligibility for full tuition benefits or to agree, in writing, to continue to make the regular annual payments in all required succeeding years, including such following year, in exchange for a prorated tuition exemption according to a schedule established by the coordinating board.

2. The board shall establish the amount of contributions required, the terms and conditions for such contributions and any applicable penalties for withdrawal. Penalties for early withdrawal may include part or all of any interest accrued, but the principal paid shall be refunded in its entirety upon any such withdrawal. The board shall have all powers necessary to administer the program established pursuant to this section.

3. The assets of the program shall be preserved, invested and expended only for the purposes of this section and according to approved agreements, and no property rights therein shall exist in favor of the state.

4. The assets of the program and the assets of any similar plan qualified pursuant to Section 529 of the Internal Revenue Code and any income therefrom shall be exempt from all taxation by the state or any of its political

subdivisions. Income earned or received from the program and any benefits received by any participant or beneficiary shall not be subject to state income tax and shall be eligible for any benefits provided in accordance with the savings plan provisions of the Internal Revenue Code. The exemption from taxation pursuant to this section shall apply only to assets and income maintained, accrued, or expended pursuant to the requirements of the program established pursuant to this section and benefits received pursuant to the provisions of this section and the applicable provisions of the Internal Revenue Code, and no exemption shall apply to assets and income expended for any other purposes or to funds withdrawn from the program. Contributions made to the program shall not be counted towards the calculation of gross income for state income tax purposes.

5. The provisions of this section shall apply to tax years beginning on or after January 1, 1999.

6. Any rule or portion of a rule promulgated pursuant to this section shall become effective only if it has been promulgated pursuant to chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell moved that SS for SCS for HS for HB 1694, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, SS for SCS for HS for HB 1694, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Russell	Schneider	Scott
Sims	Staples	Westfall	Wiggins--28
NAYS--Senators			
Rohrbach	Singleton	Yeckel--3	
Absent--Senators			
Banks	Curls	Ehlmann--3	
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

HB 1229, with SCS, introduced by Representatives Copeland and Leake, entitled:

An Act to repeal section 105.927, RSMo 1994, relating to the state deferred compensation program, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up by Senator Clay.

SCS for HB 1229, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1229

An Act to repeal section 105.927, RSMo 1994, relating to the state deferred compensation program, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Johnson assumed the Chair.

Senator Clay moved that **SCS** for **HB 1229** be adopted, which motion prevailed.

On motion of Senator Clay, **SCS** for **HB 1229** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	

NAYS--Senator Mueller--1

Absent--Senators

Curls Quick--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Flotron moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HBs 1237, 1409, 1166, 1154** and **1491**, with **SCA 1**, entitled:

An Act to repeal sections 287.030, 287.035, 287.061, 287.090, 287.128, 287.140, 287.160, 287.170, 287.190, 287.197, 287.210, 287.220, 287.250, 287.270, 287.337, 287.380, 287.430, 287.460, 287.480, 287.495, 287.530, 287.610, 287.615 and 287.640, RSMo 1994, and sections 287.280 and 287.650, RSMo Supp. 1997, relating to workers' compensation, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Flotron.

SCA 1 was taken up.

Senator Flotron moved that the above amendment be adopted, which motion failed.

Senator Flotron offered **SS** for **HS** for **HCS** for **HBs 1237, 1409, 1166, 1154** and **1491**, entitled:

SENATE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1237, 1409, 1166, 1154 and 1491

An Act to repeal sections 287.030, 287.035, 287.061, 287.090, 287.123, 287.128, 287.140, 287.160, 287.170, 287.190, 287.197, 287.210, 287.220, 287.250, 287.270, 287.337, 287.380, 287.430, 287.460, 287.480, 287.495, 287.530, 287.610, 287.615 and 287.640, RSMo 1994, and sections 287.280 and 287.650, RSMo Supp. 1997, relating to workers' compensation, and to enact in lieu thereof twenty-nine new sections relating to the same subject, with penalty provisions.

Senator Flotron moved that **SS** for **HS** for **HCS** for **HBs 1237, 1409, 1166, 1154 and 1491** be adopted.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1237, 1409, 1166, 1154 and 1491, Page 42, Section 287.210, Line 13 of said page, by inserting after "insurer," the following: "**the state through the central accident reporting office or the second injury fund or its legal counsel**"; and

Further amend said bill and section, page 47, line 10 of said page, by inserting an opening bracket "[" before the word "The"; and

Further amend said bill and section, page 47, line 11 of said page, by inserting a closing bracket "]" after the word "fund.".

Senator Schneider moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

Senator House requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Childers, Howard, Schneider and Russell.

SA 1 failed of adoption by the following vote:

YEAS--Senators

Ehlmann	Goode	Howard	Jacob
Kinder	Quick	Russell	Schneider
Scott--9			

NAYS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	Graves
House	Johnson	Kenney	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Rohrbach	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--24

Absent--Senator Curls--1

Absent with leave--Senators--None

Senator Flotron moved that **SS** for **HS** for **HCS** for **HBs 1237, 1409, 1166, 1154 and 1491** be adopted, which motion prevailed.

On motion of Senator Flotron, **SS** for **HS** for **HCS** for **HBs 1237, 1409, 1166, 1154 and 1491** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Clay--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Schneider moved that **SCS** for **HB 1880** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Maxwell assumed the Chair.

Senator Schneider moved that **SCS** for **HB 1880** be read the 3rd time and finally passed, which motion failed to receive a constitutional majority by the following vote:

YEAS--Senators			
Clay	DePasco	Ehlmann	Flotron
Goode	House	Jacob	Johnson
Mathewson	Maxwell	McKenna	Schneider
Scott	Wiggins--14		
NAYS--Senators			
Bentley	Caskey	Childers	Curls
Graves	Howard	Kenney	Kinder
Lybyer	Mueller	Rohrbach	Russell
Sims	Singleton	Staples	Westfall
Yeckel--17			
Absent--Senators			
Banks	Klarich	Quick--3	
Absent with leave--Senators--None			

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 827**, entitled:

An Act to repeal section 32.110, RSMo 1994, sections 32.115, 135.110, 447.700, 447.702, 447.704, 447.706 and 447.708, RSMo Supp. 1997, and sections 135.208 and 620.1039 as enacted by senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and approved by the governor, relating to tax credits administered by and relating to the department of economic development, and to enact in lieu thereof thirteen new sections relating to the same subject.

With House Substitute Amendment No. 1 for House Amendment No. 1, House Amendments Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, House Substitute Amendment No. 1 for House Amendment No. 14, House Amendments Nos. 15 and 16.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 827, Page 1, In the Title, Line 3, by inserting after the number "135.110," the following: "209.251, 209.253, 209.255, 209.257, 209.258, 209.259,"; and

Further amend said bill, Page 1, In the Title, Line 5, by inserting after the word "sections" the number "135.100,"; and

Further amend said bill, Page 1, In the title, Line 11, by deleting the word "thirteen" and inserting in lieu thereof the word "twenty"; and

Further amend said bill, Page 1, Section A, Line 16, by inserting after the number "135.110," the following: "209.251, 209.253, 209.255, 209.257, 209.258, 209.259,"; and

Further amend said bill, Page 1, Section A, Line 17, by inserting after the word "sections" the number "135.100,"; and

Further amend said bill, Page 1, Section A, Line 20, by deleting the word "thirteen" and inserting in lieu thereof the word "twenty"; and

Further amend said bill, Page 1, Section A, Line 21, by inserting after the number "32.115," the number "135.100,"; and

Further amend said bill, Page 1, Section A, Line 21, by inserting after the number "135.208," the following: "209.251, 209.253, 209.255, 209.257, 209.258, 209.259,"; and

Further amend said bill, Page 11, Section 32.115, Line 11, by inserting after all of said line the following:

"135.100. As used in sections 135.100 to 135.150 the following terms shall mean:

(1) "Commencement of commercial operations" shall be deemed to occur during the first taxable year for which the new business facility is first available for use by the taxpayer, or first capable of being used by the taxpayer, in the revenue producing enterprise in which the taxpayer intends to use the new business facility;

(2) "Existing business facility", any facility in this state which was employed by the taxpayer claiming the credit in the operation of a revenue producing enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(3) "Facility", any building used as a revenue producing enterprise located within the state, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(4) "New business facility", a facility which satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of a revenue producing enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of a revenue producing enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of a revenue producing enterprise, the portion employed by the taxpayer in the operation of a revenue producing enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), (d) and (e) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 1983. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 1983, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 1983, or, if the facility is constructed, erected or installed by or on behalf of the taxpayer, such construction, erection or installation is commenced after December 31, 1983;

(c) If such facility was acquired by the taxpayer from another person or persons and such facility was employed immediately prior to the transfer of title to such facility to the taxpayer, or to the commencement of the term of the lease of such facility to the taxpayer, by any other person or persons in the operation of a revenue producing enterprise, the operation of the same or a substantially similar revenue producing enterprise is not continued by the taxpayer at such facility;

(d) Such facility is not a replacement business facility, as defined in subdivision (10) of this section; and

(e) The new business facility investment exceeds one hundred thousand dollars during the tax period in which the credits are claimed;

(5) "New business facility employee", a person employed by the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.110 is claimed, except that truck drivers and rail and barge vehicle operators shall not constitute new business facility employees. A person shall be deemed to be so employed if such person performs duties in connection with the operation of the new business facility on:

(a) A regular, full-time basis; or

(b) A part-time basis, provided such person is customarily performing such duties an average of at least twenty hours per week; or

(c) A seasonal basis, provided such person performs such duties for at least eighty percent of the season customary for the position in which such person is employed;

(6) "New business facility income", the Missouri taxable income, as defined in chapter 143, RSMo, derived by the taxpayer from the operation of the new business facility. For the purpose of apportionment as prescribed in this subdivision, the term "Missouri taxable income" means, in the case of insurance companies, direct premiums as defined in chapter 148, RSMo. If a taxpayer has income derived from the operation of a new business facility as well as from other activities conducted within this state, the Missouri taxable income derived by the taxpayer from the operation of the new business facility shall be determined by multiplying the taxpayer's Missouri taxable income, computed in accordance with chapter 143, RSMo, or in the case of an insurance company, computed in accordance with chapter 148, RSMo, by a fraction, the numerator of which is the property factor, as defined in paragraph (a) of this subdivision, plus the payroll factor, as defined in paragraph (b) of this subdivision, and the denominator of which is two:

(a) The property factor is a fraction, the numerator of which is the new business facility investment certified for the tax period, and the denominator of which is the average value of all the taxpayer's real and depreciable tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in chapter 32, RSMo;

(b) The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as new business facility employees, as determined by subsection 4 of section

135.110, at the new business facility, and the denominator of which is the total amount paid in this state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in chapter 32, RSMo. For the purpose of this subdivision, "other activities conducted within this state" shall include activities previously conducted at the expanded, acquired or replaced facility at any time during the tax period immediately prior to the tax period in which commencement of commercial operations occurred;

(7) "New business facility investment", the value of real and depreciable tangible personal property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by section 135.110 is claimed, except that trucks, truck-trailers, truck semitrailers, rail and barge vehicles and other rolling stock for hire, track, switches, barges, bridges, tunnels and rail yards and spurs shall not constitute new business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

(8) "Office", a regional, national or international headquarters, a telemarketing operation, an insurance company, a passenger transportation ticket/reservation system or a credit card billing and processing center. For the purposes of this subdivision, "headquarters" means the administrative management of at least four integrated facilities operated by the taxpayer or related taxpayer. An office, as defined in this subdivision, when established must create and maintain positions for a minimum number of twenty-five new business facility employees as defined in subdivision (5) of this section;

(9) "Related taxpayer" shall mean:

(a) A corporation, partnership, trust or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. For the purposes of sections 135.100 to 135.150, "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; and "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in section 318 of the U.S. Internal Revenue Code;

(10) "Replacement business facility", a facility otherwise described in subdivision (4) of this section, hereafter referred to in this subdivision as "new facility", which replaces another facility, hereafter referred to in this subdivision as "old facility", located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year in which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of a revenue producing

enterprise and the taxpayer continues the operation of the same or substantially similar revenue producing enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer's new business facility investment, as computed in subsection 5 of section 135.110, in the new facility during the tax period in which the credits allowed in sections 135.110, 135.225 and 135.235 and the exemption allowed in section 135.220 are claimed exceed one million dollars or, if less, two hundred percent of the investment in the old facility by the taxpayer or related taxpayer, and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two except that the total number of employees at the new facility exceeds the total number of employees at the old facility by at least twenty-five if an office as defined in subdivision (8) of this section is established by a revenue producing enterprise other than a revenue producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision (11) of this section;

(11) "Revenue producing enterprise" means:

(a) Manufacturing activities classified as SICs 20 through 39;

(b) Agricultural activities classified as SIC 025;

(c) Rail transportation terminal activities classified as SIC 4013;

(d) Motor freight transportation terminal activities classified as SIC 4231;

(e) Public warehousing and storage activities classified as SICs 422 and 423 except SIC 4221, miniwarehouse warehousing and warehousing self-storage;

(f) Water transportation terminal activities classified as SIC 4491;

(g) Wholesale trade activities classified as SICs 50 and 51;

(h) Insurance carriers activities classified as SICs 631, 632 and 633;

(i) Research and development activities classified as SIC 873, except 8733;

(j) Farm implement dealer activities classified as SIC 5999;

(k) Interexchange telecommunications services as defined in subdivision [(20)] **(24) or local exchange telecommunications services as defined in subdivision (31)** of section 386.020, RSMo, or training activities conducted by an interexchange telecommunications company **or by a local exchange telecommunications company** as defined in [subdivision (19)] **subdivisions (23) and (30)** of section 386.020, RSMo;

(l) Recycling activities classified as SIC 5093;

(m) Office activities as defined in subdivision (8) of this section, notwithstanding SIC classification;

(n) Mining activities classified as SICs 10 through 14;

(o) Computer programming, data processing and other computer-related activities classified as SIC 737;

(p) The administrative management of any of the foregoing activities; or

(q) Any combination of any of the foregoing activities;

(12) "Same or substantially similar revenue producing enterprise", a revenue producing enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed or conducted in the same or similar manner as in another revenue producing enterprise;

(13) "SIC", the primary standard industrial classification as such classifications are defined in the 1987 edition of the

Standard Industrial Classification Manual as prepared by the Executive Office of the President, Office of Management and Budget. For the purpose of this subdivision, "primary" means at least fifty percent of the activities so classified are performed at the new business facility during the taxpayer's tax period in which such tax credits are being claimed;

(14) "Taxpayer", an individual proprietorship, corporation described in section 143.441 or 143.471, RSMo, and partnership or an insurance company subject to the tax imposed by chapter 148, RSMo, or in the case of an insurance company exempt from the thirty percent employee requirement of section 135.230, to any obligation imposed pursuant to section 375.916, RSMo."; and

Further amend said bill, Page 21, Section 135.110, Line 7, by inserting after the word "company" the following: "**or local exchange telecommunications company**"; and

Further amend said bill, Page 29, Section 135.208, Line 8, by inserting after all of said line the following:

"209.251. As used in sections 209.251 to 209.259, the following terms mean:

(1) "**Adaptive telephone equipment**", **equipment that modifies or replaces the functions of a telephone used to place and receive voice calls, including but not limited to the functions of hearing, speaking, dialing and manipulating the handset. Adaptive telephone equipment does not include equipment needed for personal communication or mobility, such as hearing aids, eyeglasses, wheelchairs, prosthetics and orthotics;**

(2) "Basic telephone access line", a telephone line which provides service from the telephone company central office to the customer's premises which enables the customer to originate and terminate long distance and local calling;

[(2)] (3) "Commission", the public service commission;

[(3)] (4) "Eligible subscriber", any individual who has been certified as deaf, hearing-impaired, speech-impaired or as having another disability that causes the inability to use traditional telephone equipment and services by a licensed physician, audiologist, speech pathologist or [a qualified state] **an approved** agency;

[(4)] (5) "**Missouri assistive technology advisory council**", **the entity established pursuant to section 191.853, RSMo;**

(6) "Surcharge", an additional charge which is to be paid by local exchange telephone company subscribers pursuant to the rate recovery mechanism established pursuant to sections 209.255, 209.257 and 209.259 in order to implement the [program] **programs** described in sections 209.251 to 209.259;

[(5)] (7) "Telecommunications device for the deaf" or "TDD", a telecommunications device capable of allowing deaf, hearing-impaired or speech-impaired individuals to transmit messages over basic telephone access lines by sending and receiving typed messages.

209.253. 1. The commission shall initiate an investigation to determine the most beneficial and cost-effective method to implement the provision of a statewide dual-party system, using third-party intervention to connect deaf, hearing-impaired and speech-impaired persons and offices of organizations representing the deaf, hearing-impaired and speech-impaired with telecommunication devices for the deaf (TDDs) and the telephone system, making available reasonable access to telephone service to eligible subscribers. In conducting this investigation the commission shall solicit the advice, counsel, and assistance of statewide nonprofit organizations of the deaf, the office of the public counsel and representatives of telecommunications companies. The commission shall complete this investigation within six months of July 10, 1990.

2. The commission shall initiate an investigation to determine the most beneficial and cost-effective method to implement the provision of a statewide telecommunications equipment distribution program making available reasonable access to telephone service for eligible subscribers who are unable to use traditional telephone equipment due to disability. In conducting this investigation the commission shall solicit the advice, counsel and assistance of statewide nonprofit organizations for individuals with disabilities, the office of the public counsel and representatives of

telecommunications companies. The commission shall complete such investigation within six months of August 28, 1996.

3. Within sixty days of the completion of the investigations provided in subsections 1 and 2 of this section, the division of purchasing, on behalf of the commission, shall issue a request for competitive bids to provide a statewide dual-party relay service and equipment distribution program which meets the specifications and criteria determined by such investigations. The request for competitive bids shall contain the date, as determined by the division of purchasing, by which all bids shall be submitted and the division of purchasing shall not accept or consider any bids received after that date.

4. Within sixty days of the date provided in subsection 3 of this section requiring bids to be submitted, the division of purchasing shall open all bids and shall thereafter award a contract to the best bidder and shall in all instances reserve the right to reject any and all bids. A bond satisfactory to the division shall be given by the party to whom the contract is awarded, to secure the faithful performance of such contract.

5. The Missouri assistive technology advisory council shall administer the statewide telecommunications equipment distribution program. The Missouri assistive technology advisory council shall review the recommendations of the investigation described in subsection 2 of this section and shall solicit additional input as needed to update the recommendations. Using such recommendations, the Missouri assistive technology advisory council shall design the equipment distribution program to provide adaptive telephone equipment to eligible subscribers in the most beneficial and cost-effective manner. The equipment distribution program shall include consumer support and outreach.

6. Nothing in sections 209.251 to 209.259 shall be construed to require the state to purchase, install or maintain equipment on an eligible subscriber's premises which will enable the eligible subscriber to participate in the **dual-party relay** system.

7. Nothing in sections 209.251 to 209.259 shall be construed to require the state to provide adaptive telephone equipment to all eligible subscribers. Any procedures adopted by the Missouri assistive technology advisory council to limit eligibility for adaptive telephone equipment shall not be based on an individual's type of disability.

209.255. 1. The commission shall establish a rate recovery mechanism to recover the costs of implementing and maintaining the **dual-party relay** program provided for in section 209.253, which shall be applied to each basic telephone access line. **A rate recovery mechanism, in an amount equal to sixty-five percent rounded to the nearest whole cent of the dual-party relay rate recovery surcharge, shall be established to recover the costs of implementing and maintaining the statewide telecommunications equipment distribution program provided for in section 209.253, which shall also be applied to each basic telephone access line.** Any surcharge established by such rate recovery mechanism shall not be imposed upon more than one hundred basic telephone access lines per subscriber per location. Any surcharge established by such rate recovery mechanism shall not be imposed on any telephone line used to provide pay telephone service. The surcharge may appear on the bill of each local exchange telephone subscriber identified separately as a deaf relay service and equipment distribution program fund surcharge. The commission shall not vary the amount of the surcharge between telephone companies nor between the class or grade of customers of any telephone company. The surcharge provided for in this section shall be exempt from the taxes provided for in chapter 144, RSMo, and the surcharge shall not be construed as gross receipts or revenue of the company collecting such for the purpose of local taxation.

2. Each basic telephone access line subscriber is liable for the payment of any [surcharge] **surcharges** provided for in subsection 1 of this section. The local exchange telephone company shall not be liable for any uncollected [surcharge] **surcharges**, nor shall it have any obligation to initiate any action to enforce the collection of the [surcharge] **surcharges**.

209.257. The local exchange telephone company shall deduct and retain a percentage of the total surcharge amount collected each month to recover the billing, collecting, remitting and administrative costs attributed to the deaf relay service and equipment distribution program fund [surcharge] **surcharges**. The commission shall determine the

appropriate percentage to be deducted and retained and shall include this percentage as part of its order establishing the deaf relay service and equipment distribution program fund [surcharge] **surcharges**. All remaining deaf relay service and equipment distribution program fund [surcharge] **surcharges** money collected by local exchange telephone companies shall be remitted to the commission, who shall use such money exclusively to fund the programs provided for in section 209.253.

209.258. 1. All remaining deaf relay service **fund surcharge** and equipment distribution program fund surcharge money collected by local exchange telephone companies pursuant to section 209.257 shall be paid to the director of revenue in a manner prescribed by the public service commission. The director of revenue shall remit such payments to the state treasurer.

2. The state treasurer shall credit such **deaf relay service** payments to a special fund, which is hereby created, to be known as the "Deaf Relay Service [and Equipment Distribution Program] Fund" which [fund] shall be devoted solely to the payment of **the** expenditures actually incurred in operation of the statewide dual-party relay service [and equipment distribution program] authorized by section 209.253, including expenses associated with the administration of the dual-party relay service [and equipment distribution program] or incurred by members of any advisory committee appointed by the commission to help it administer the dual-party relay service and equipment distribution program authorized by section 209.253.

3. **The state treasurer shall credit such equipment distribution program payments to a special fund, which is hereby created, to be known as the "Equipment Distribution Program Fund" which shall be devoted solely to the payment of the expenditures actually incurred in operation of the statewide equipment distribution program authorized by section 209.253, including expenses associated with the administration of the statewide equipment distribution program or incurred by members of any advisory committee appointed by the Missouri assistive technology advisory council to help it administer the statewide equipment distribution program authorized by section 209.253.**

4. Any unexpended balance in the **deaf relay service** fund at the end of the fiscal year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund, but shall be applicable by appropriation of the general assembly to the payment of expenditures for the dual-party relay service [and equipment distribution program] in the succeeding fiscal year.

5. **Any unexpended balance in the equipment distribution fund at the end of each fiscal year shall be exempt from the provisions of section 33.080, RSMo, related to the transfer of unexpended balances to the general revenue fund, but shall be applicable by appropriation of the general assembly to the payment of expenditures for the equipment distribution program in the succeeding fiscal year.**

[4.] 6. Any unexpended balance in the deaf relay service **and equipment distribution program** fund on August 28, [1996] **1998**, shall be [transferred to] **divided as follows: sixty percent to the deaf relay service fund created in subsection 2 of this section and forty percent to the equipment distribution program fund [which is] created in subsection [2] 3 of this section.**

209.259. From the date of implementing the deaf relay service [and equipment distribution] fund surcharge, the commission shall review such surcharge no less frequently than every two years but no more than annually and shall order changes in the amount of the surcharge as necessary to assure available funds for the provision of the [program] **deaf relay service** established in section 209.253. Concurrent with the review of the surcharge, the commission shall review the percentage deducted and retained by the local exchange telephone company provided in section 209.257 and if necessary shall order adjustments to the percentage to assure a just and reasonable compensation to the local exchange telephone company. Where the review of the surcharge determines that excess funds are available, the commission may order the suspension of the deaf relay service [and equipment distribution program] fund surcharge for a period which the commission deems appropriate."

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 827, Page 1, In the Title, Line 5, by

inserting after the word "sections" the number "135.100,"; and

Further amend said bill, Page 1, In the Title, Line 11, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 17, by inserting after the word "sections" the number "135.100,"; and

Further amend said bill, Page 1, Section A, Line 20, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 21, by inserting after the number "32.115," the number "135.100,"; and

Further amend said bill, Page 11, Section 32.115, Line 11, by inserting after all of said line the following:

"135.100. As used in sections 135.100 to 135.150 the following terms shall mean:

(1) "Commencement of commercial operations" shall be deemed to occur during the first taxable year for which the new business facility is first available for use by the taxpayer, or first capable of being used by the taxpayer, in the revenue producing enterprise in which the taxpayer intends to use the new business facility;

(2) "Existing business facility", any facility in this state which was employed by the taxpayer claiming the credit in the operation of a revenue producing enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(3) "Facility", any building used as a revenue producing enterprise located within the state, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(4) "New business facility", a facility which satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of a revenue producing enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of a revenue producing enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of a revenue producing enterprise, the portion employed by the taxpayer in the operation of a revenue producing enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), (d) and (e) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 1983. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 1983, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 1983, or, if the facility is constructed, erected or installed by or on behalf of the taxpayer, such construction, erection or installation is commenced after December 31, 1983;

(c) If such facility was acquired by the taxpayer from another person or persons and such facility was employed immediately prior to the transfer of title to such facility to the taxpayer, or to the commencement of the term of the lease of such facility to the taxpayer, by any other person or persons in the operation of a revenue producing enterprise, the operation of the same or a substantially similar revenue producing enterprise is not continued by the taxpayer at such facility;

(d) Such facility is not a replacement business facility, as defined in subdivision (10) of this section; and

(e) The new business facility investment exceeds one hundred thousand dollars during the tax period in which the credits are claimed;

(5) "New business facility employee", a person employed by the taxpayer in the operation of a new business facility

during the taxable year for which the credit allowed by section 135.110 is claimed, except that truck drivers and rail and barge vehicle operators shall not constitute new business facility employees. A person shall be deemed to be so employed if such person performs duties in connection with the operation of the new business facility on:

(a) A regular, full-time basis; or

(b) A part-time basis, provided such person is customarily performing such duties an average of at least twenty hours per week; or

(c) A seasonal basis, provided such person performs such duties for at least eighty percent of the season customary for the position in which such person is employed;

(6) "New business facility income", the Missouri taxable income, as defined in chapter 143, RSMo, derived by the taxpayer from the operation of the new business facility. For the purpose of apportionment as prescribed in this subdivision, the term "Missouri taxable income" means, in the case of insurance companies, direct premiums as defined in chapter 148, RSMo. If a taxpayer has income derived from the operation of a new business facility as well as from other activities conducted within this state, the Missouri taxable income derived by the taxpayer from the operation of the new business facility shall be determined by multiplying the taxpayer's Missouri taxable income, computed in accordance with chapter 143, RSMo, or in the case of an insurance company, computed in accordance with chapter 148, RSMo, by a fraction, the numerator of which is the property factor, as defined in paragraph (a) of this subdivision, plus the payroll factor, as defined in paragraph (b) of this subdivision, and the denominator of which is two:

(a) The property factor is a fraction, the numerator of which is the new business facility investment certified for the tax period, and the denominator of which is the average value of all the taxpayer's real and depreciable tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in chapter 32, RSMo;

(b) The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as new business facility employees, as determined by subsection 4 of section 135.110, at the new business facility, and the denominator of which is the total amount paid in this state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in chapter 32, RSMo. For the purpose of this subdivision, "other activities conducted within this state" shall include activities previously conducted at the expanded, acquired or replaced facility at any time during the tax period immediately prior to the tax period in which commencement of commercial operations occurred;

(7) "New business facility investment", the value of real and depreciable tangible personal property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by section 135.110 is claimed, except that trucks, truck-trailers, truck semitrailers, rail and barge vehicles and other rolling stock for hire, track, switches, barges, bridges, tunnels and rail yards and spurs shall not constitute new business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

(8) "Office", a regional, national or international headquarters, a telemarketing operation, an insurance company, a passenger transportation ticket/reservation system or a credit card billing and processing center. For the purposes of this subdivision, "headquarters" means the administrative management of at least four integrated facilities operated by the

taxpayer or related taxpayer. An office, as defined in this subdivision, when established must create and maintain positions for a minimum number of twenty-five new business facility employees as defined in subdivision (5) of this section;

(9) "Related taxpayer" shall mean:

(a) A corporation, partnership, trust or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. For the purposes of sections 135.100 to 135.150, "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; and "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in section 318 of the U.S. Internal Revenue Code;

(10) "Replacement business facility", a facility otherwise described in subdivision (4) of this section, hereafter referred to in this subdivision as "new facility", which replaces another facility, hereafter referred to in this subdivision as "old facility", located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year in which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of a revenue producing enterprise and the taxpayer continues the operation of the same or substantially similar revenue producing enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer's new business facility investment, as computed in subsection 5 of section 135.110, in the new facility during the tax period in which the credits allowed in sections 135.110, 135.225 and 135.235 and the exemption allowed in section 135.220 are claimed exceed one million dollars or, if less, two hundred percent of the investment in the old facility by the taxpayer or related taxpayer, and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two except that the total number of employees at the new facility exceeds the total number of employees at the old facility by at least twenty-five if an office as defined in subdivision (8) of this section is established by a revenue producing enterprise other than a revenue producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision (11) of this section;

(11) "Revenue producing enterprise" means:

(a) Manufacturing activities classified as SICs 20 through 39;

(b) Agricultural activities classified as SIC 025;

(c) Rail transportation terminal activities classified as SIC 4013;

(d) Motor freight transportation terminal activities classified as SIC 4231;

(e) Public warehousing and storage activities classified as SICs 422 and 423 except SIC 4221, miniwarehouse warehousing and warehousing self-storage;

(f) Water transportation terminal activities classified as SIC 4491;

- (g) Wholesale trade activities classified as SICs 50 and 51;
- (h) Insurance carriers activities classified as SICs 631, 632 and 633;
- (i) Research and development activities classified as SIC 873, except 8733;
- (j) Farm implement dealer activities classified as SIC 5999;
- (k) Interexchange telecommunications services as defined in subdivision [(20)] **(24) or local exchange telecommunications services as defined in subdivision (31)** of section 386.020, RSMo, or training activities conducted by an interexchange telecommunications company **or by a local exchange telecommunications company** as defined in [subdivision (19)] **subdivisions (23) and (30)** of section 386.020, RSMo;
- (l) Recycling activities classified as SIC 5093;
- (m) Office activities as defined in subdivision (8) of this section, notwithstanding SIC classification;
- (n) Mining activities classified as SICs 10 through 14;
- (o) Computer programming, data processing and other computer-related activities classified as SIC 737;
- (p) The administrative management of any of the foregoing activities; or
- (q) Any combination of any of the foregoing activities;
- (12) "Same or substantially similar revenue producing enterprise", a revenue producing enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed or conducted in the same or similar manner as in another revenue producing enterprise;
- (13) "SIC", the primary standard industrial classification as such classifications are defined in the 1987 edition of the Standard Industrial Classification Manual as prepared by the Executive Office of the President, Office of Management and Budget. For the purpose of this subdivision, "primary" means at least fifty percent of the activities so classified are performed at the new business facility during the taxpayer's tax period in which such tax credits are being claimed;
- (14) "Taxpayer", an individual proprietorship, corporation described in section 143.441 or 143.471, RSMo, and partnership or an insurance company subject to the tax imposed by chapter 148, RSMo, or in the case of an insurance company exempt from the thirty percent employee requirement of section 135.230, to any obligation imposed pursuant to section 375.916, RSMo."; and

Further amend said bill, Page 21, Section 135.110, Line 7, by inserting after the word "company" the following: "**or local exchange telecommunications company**".

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 827, Page 1, In the Title, Line 5, by inserting after the number "135.208" the following: ", 620.1023"; and

Further amend said bill, Page 1, In the Title, Line 11, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 17, by inserting after the number "135.208" the following: ", 620.1023"; and

Further amend said bill, Page 1, Section A, Line 20, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 2, Section A, Line 1, by inserting after the number "447.708," the number "620.1023,"; and

Further amend said bill, Page 61, Section 447.708, Line 12, by inserting after all of said line the following:

"620.1023. 1. There is hereby created in the state treasury a revolving fund to be administered by the department of economic development to be known as the "Business Extension Service Team Fund". The fund shall consist of all moneys which may be appropriated to it by the general assembly, gifts, contributions, grants or bequests received from federal, private or other sources. A percentage of the moneys in such fund shall be used by the department for grants or loans for qualified community development projects in order to create or retain jobs in any city not within a county [and], any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county **and any fourth class city with a population of at least three thousand five hundred inhabitants but not more than five thousand five hundred inhabitants which is located in a county of the first classification with a charter form of government with a population of at least nine hundred thousand inhabitants**, and shall be targeted toward economically blighted urban districts for new businesses, expansion of existing businesses and for employee training and housing. The department may require such grants or loans to be made on a matching fund basis. **Any city that receives funding from the business extension service team fund may use up to twenty percent of such grant or loan for administrative costs.** As used in this subdivision, "economically blighted urban districts" means areas which meet all of the following criteria:

(1) The area is one of pervasive poverty, unemployment, and general distress;

(2) The area is located wholly within an area which meets the requirements for federal assistance under section 119 of the Housing and Community Development Act of 1974, as amended;

(3) At least sixty-five percent of the residents living in the area have incomes below eighty percent of the median income of all residents within the state of Missouri according to the last decennial census or other appropriate source as approved by the director of the department of economic development;

(4) The resident population of the area is at least four thousand at the time of designation as an economically blighted urban district. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least fifty percent of the population of the jurisdiction; and

(5) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and approved by the director of the department of economic development, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than fifty percent of the statewide percentage of residents employed on a full-time basis.

2. The department of economic development may use a percentage of the moneys in the fund established in subsection 1 of this section to directly contract with community development corporations established pursuant to section 135.400, RSMo, for the provision of job training or for creating or retaining jobs in any area meeting the criteria outlined in subsection 1 of this section.

3. All moneys remaining in the business extension service team fund at the end of the fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, RSMo, but shall remain in the business extension service team fund."

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 827, Page 1, In the Title, Line 11, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 20, by deleting the word "thirteen" and inserting in lieu thereof the

word "fourteen"; and

Further amend said bill, Page 2, Section A, Line 1, by deleting the word and number "and 2" and inserting in lieu thereof the following: ", 2 and 3"; and

Further amend said bill, Page 67, Section 2, Line 10, by inserting after all of said line the following:

"Section 3. Notwithstanding any other provision of law to the contrary, any taxpayer having tax credits available pursuant to sections 135.200 to 135.256, RSMo, in connection with a facility or facilities located in Missouri producing from agricultural products alcohol, or fuel additives from alcohol, for incorporation into fuel or fuel additives may apply such credits against any and all of such taxpayer's tax liability imposed by chapter 143, RSMo, or chapter 148, RSMo, excluding withholding tax imposed by sections 143.191 to 143.261, RSMo, and such taxpayer may allocate all or any part of such credits to its shareholders, partners, members, substantial suppliers or substantial creditors, in any manner of allocation as such taxpayer shall determine. The maximum amount of tax credits allowable pursuant to the provisions of this section shall not annually exceed three million dollars."

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Bill No. 827, Page 1, In the Title, Line 2, by deleting the word and number "section 32.110" and inserting in lieu thereof the following; "sections 32.110 and 137.115"; and

Further amend said bill, Page 1, In the Title, Line 11, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 15, by deleting the word and number "Section 32.110" and inserting in lieu thereof the following: "Sections 32.110 and 137.115"; and

Further amend said bill, Page 1, Section A, Line 20, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 21, by inserting after the number "135.208," the number "137.115," and

Further amend said bill, Page 29, Section 135.208, Line 8, by inserting after all of said line the following:

"137.115. 1. All other laws to the contrary notwithstanding, the assessor or his deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in his city, county, town or district. Except as otherwise provided in subsection 3 of this section, he shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. He shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. He shall annually assess all real property in the following manner: New assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. He may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable real property in the county owned by the person, or under his care, charge or management, and all taxable tangible personal property owned by the person or under his care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county

governing body. If an assessment maintenance plan is agreed upon by the county assessor, the county governing body and the state tax commission within thirty days of submission to the state tax commission, the county shall be eligible for state cost-share funds as outlined in section 137.750. If the state tax commission fails to approve a plan within thirty days after the date submitted and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences within an additional thirty days, then the differences shall be submitted to the circuit court of the county involved for final resolution within an additional thirty days. The decision of the circuit court may be appealed pursuant to chapter 621, RSMo. In the event a valuation of subclass (1) real property within any first class charter county, or within a city not within a county, is made by a computer, computer assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

- (1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and
- (2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this paragraph, the word "comparable" means that:
 - (a) Such sale was closed at a date relevant to the property valuation; and
 - (b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percents of their true value in money:

- (1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;
- (2) Livestock, twelve percent;
- (3) Farm machinery, twelve percent;
- (4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles under section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent; [and]
- (5) Poultry, twelve percent[.]; **and**

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

- (1) For real property in subclass (1), nineteen percent;
- (2) For real property in subclass (2), twelve percent; and
- (3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a "parcel" for the purpose of reimbursement under section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in his judgment will fairly estimate the true value in money of the motor vehicle.

10. If the assessor increases the assessed valuation of any parcel of subclass (1) real property by more than seventeen percent since the last assessment, excluding increases due to new construction or improvements, then the assessor shall conduct a physical inspection of such property."

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Bill No. 827, Page 54, Section 447.700.11.3, Line 20, by deleting the words, " "No Further Action" letter" and inserting in lieu thereof the words, "Letter of Completion".

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Bill No. 827, Page 1, In the Title, Line 2, by inserting after the number "32.110" the following: "section 260.285,"; and

Further amend said bill, Page 1, In the Title, Line 11, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 15, by inserting after the number "32.110" the following: "260.285,"; and

Further amend said bill, Page 1, Section A, Line 20, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 21, by inserting after the number "135.208," the number "260.285,"; and

Further amend said bill, Page 29, Section 135.208, Line 8, by inserting after all of said line the following:

"260.285. 1. Any manufacturer engaged in this state in production of a meat or poultry food product intended for human consumption that is recycling flexible cellulose casing manufactured from cotton linters used and consumed directly in the production of such food product shall be eligible for a credit as defined in subsection 2 of this section.

2. The credit authorized in subsection 1 shall be equal to the amount of state sales or use taxes paid by a manufacturer to a retailer on such packaging material which is subsequently recycled by either the manufacturer or other person or entity to which the manufacturer conveys such packaging materials, less any consideration received by the manufacturer for such conveyance.

3. A manufacturer shall claim the refund in the month following the month in which the material has been recycled or conveyed for recycling. When claiming a credit [under] **pursuant to** this section, a manufacturer shall provide a detailed accounting of the amount of packaging material recycled, amount of sales or use tax paid on such material, an affidavit attesting that the manufacturer is eligible [under] **pursuant to** the provisions of this section for the credit being claimed and any other documentation determined necessary by the director of the department of revenue. The director shall refund any valid credit claims within sixty days of receipt. If the director determines that a fraudulent claim for the credit has been filed, the director may assess a penalty in an amount not to exceed twice the amount of fraudulent credits claimed.

4. Payment of credits authorized by this section shall not alter the liability of a retailer regarding sales tax on such material. Credits authorized by this section shall be paid from funds appropriated for the refund of taxes.

5. This section shall become effective October 1, 1991. [This section shall expire October 1, 2001.]".

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Bill No. 827, Page 67, Section 2, Line 10, of said page, by inserting immediately after said line the following:

"Section 3. For all tax years beginning on or after January 1, 1999, a grape grower or wine producer shall be allowed a tax credit against the state tax liability incurred pursuant to chapter 143, RSMo, exclusive of the provisions relating to the withholding of tax as provided in sections 143.191 to 143.265, RSMo, in an amount equal to twenty-five percent of the purchase price of all new equipment and materials used directly in the growing of grapes or the production of wine in the state. Each grower or producer shall apply to the department of economic development and specify the total amount of such new equipment and materials purchased during the calendar year. The department of economic development shall certify to the department of revenue the amount of such tax credit to which a grape grower or wine producer is entitled pursuant to this section. The provisions of this section notwithstanding, a grower or producer may only apply for and receive the credit authorized by this section for five tax periods"; and,

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Bill No. 827, Page 29, Section 135.208, Line 8, by inserting after said line the following new subsection:

"8. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any fourth class city with a population of at least five hundred but not more than six hundred inhabitants, and which city is located in two third class counties, one with a population of at least seven thousand but not more than eight

thousand inhabitants, and the other county with a population of at least twenty thousand but not more than twenty-two thousand inhabitants, such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all in the requirements of section 135.205."

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Bill No. 827, Page 1, In the Title, Line 2, by deleting the word and number "section 32.110" and inserting in lieu thereof the following: "sections 32.110 and 135.256"; and

Further amend said bill, Page 1, In the Title, Line 11, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 15, by deleting the word and number "Section 32.110"; and

Further amend said bill, Page 1, Section A, Line 20, by deleting the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, Page 1, Section A, Line 21, by inserting after the number "135.208," the number "135.256,"; and

Further amend said bill, Page 29, Section 135.208, Line 8, by inserting after all of said line the following:

"135.256. 1. In addition to the number of enterprise zones authorized under the provisions of sections 135.206 and 135.210, the department of economic development shall designate one such zone in every city of the third class in every county of the third class which contains a state university whose primary mission is engineering studies and technical research, in any third class city with a population of at least two thousand three hundred but not more than three thousand inhabitants located in a county of the fourth classification with a population of at least forty-two thousand but not more than forty-eight thousand inhabitants, and in any fourth class city with a population of at least one thousand but not more than one thousand five hundred inhabitants located in a county of the third classification with a population of eight thousand but not more than nine thousand inhabitants that adjoins three counties of the third classification with a township form of government and also three counties of the third classification without a township form of government. Such enterprise zone designation shall only be made if the area in the city which is to be included meets all the requirements of section 135.205."

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Bill No. 827, Page 29, Section 135.208, Line 8, by inserting immediately after said line the following:

"135.444. 1. For all tax years beginning on or after January 1, 1999, any person, firm or corporation engaging in the business of conducting games of bowling in bowling alleys located in Missouri shall be eligible for a tax credit on incomes taxes otherwise due pursuant to chapter 143, RSMo, except sections 143.191 to 143.261, RSMo, in an amount equal to ten percent of the purchase price of machinery, equipment and other tangible personal property required to conduct games of bowling in bowling alleys.

2. When applying for a tax credit pursuant to this section, the person, firm or corporation shall make application for the credit to the director of the department of economic development. The director of the department of economic development shall prescribe the method for submitting applications to claim the credit and shall certify to the department of revenue that the taxpayer has made qualified purchases.

3. Any amount of credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed four years.

4. Pursuant to rules promulgated by the director of the department of revenue for the state income tax, the taxpayer may

elect to assign to a third party the approved tax credit. Certification of assignment and other appropriate forms shall be filed with the department of revenue.

5. The provisions of this section shall not apply to:

- (1) Excursion gambling boats licensed pursuant to sections 313.800 to 313.850, RSMo;
- (2) Any corporation owning more than three bowling alleys in this state; or
- (3) Any person, firm or corporation that applies for the credit allowed by this section on or after January 1, 2005."

Amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Bill No. 827, Page 29, Section 135.208, Line 8, by inserting immediately after said line the following:

"135.400. As used in sections 135.400 to 135.430, the following terms mean:

- (1) "Certificate", a tax credit certificate issued by the department of economic development in accordance with sections 135.400 to 135.430;
- (2) "Community bank", either a bank community development corporation or development bank, which are financial organizations which receive investments from commercial financial institutions regulated by the federal reserve, the office of the comptroller of the currency, the office of thrift supervision, or the Missouri division of finance. Community banks, in addition to their other privileges, shall be allowed to make loans to businesses or equity investments in businesses or in real estate provided that such transactions have associated public benefits;
- (3) "Community development corporation", a not for profit corporation and a recipient of Community Development Block Grant (CDBG) funds pursuant to the Housing Community Development Act of 1974. Such corporations design specific, comprehensive programs to stimulate economic development, housing or other public benefits leading to the development of economically sustainable neighborhoods or communities;
- (4) "Department", the Missouri department of economic development;
- (5) "Director", the director of the department of economic development, or a person acting under the supervision of the director;
- (6) "Investment", a transaction in which a Missouri small business or a community bank receives a monetary benefit from an investor [under] **pursuant to** the provisions of sections 135.403 to 135.414;
- (7) "Investor", an individual, partnership, financial institution, trust or corporation meeting the eligibility requirements of sections 135.403 to 135.414. In the case of partnerships and nontaxable trusts, the individual partners or beneficiaries shall be treated as the investors;
- (8) "Missouri small business", an independently owned and operated business as defined in Title 15 U.S.C. section 632(a) and as described by Title 13 C.F.R. Part 121, which is headquartered in Missouri and which employs at least eighty percent of its employees in Missouri, except that no such small business shall employ more than one hundred employees. Such businesses must be involved in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, insurance or professional services. For the purpose of qualifying for the tax credit pursuant to sections 135.400 to 135.430, "Missouri small business" shall include cooperative marketing associations organized pursuant to chapter 274, RSMo, which are engaged in the business of producing and marketing fuels derived from agriculture commodities, without regard for whether a cooperative marketing association has more than one

hundred employees. **Cooperative marketing associations organized pursuant to chapter 274, RSMo, shall not be required to comply with the requirements of section 135.414;**

(9) "Primary employment", work which pays at least the minimum wage and which is not seasonal or part-time;

(10) "Principal owners", one or more persons who own an aggregate of fifty percent or more of the Missouri small business and who are involved in the operation of the business as a full-time professional activity;

(11) "Project", any commercial or industrial business or other economic development activity undertaken in a target area, designed to reduce conditions of blight, unemployment or widespread reliance on public assistance which creates permanent primary employment opportunities;

(12) "State tax liability", any liability incurred by a taxpayer [under] **pursuant to** the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, section 375.916, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions;

(13) "Target area", a group of blocks or a self-defined neighborhood where the rate of poverty in the area is greater than twice the national poverty rate and as defined by the department of social services in conjunction with the department of economic development. Areas of the state satisfying the criteria of this subdivision may be designated as a "target area" following appropriate findings made and certified by the departments of economic development and social services. In making such findings, the departments of economic development and social services may use any commonly recognized records and statistical indices published or made available by any agency or instrumentality of the federal or state government. No area of the state shall be a target area until so certified by the department of social services and the revitalization plan submitted pursuant to section 208.335, RSMo, has received approval.

And amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Bill No. 827, Page 65, Section 2, Line 8, by deleting the figure "1999" found on said line and inserting in lieu thereof the figure "1998".

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR

HOUSE AMENDMENT NO. 14

Amend House Substitute for House Committee Substitute for Senate Bill No. 827, Page 34, Section 447.700, Lines 1-5, by inserting after the word "occur" on line 5, the following:

", if approval from the general assembly has been given for any improvements to, or remediation, lease or sale of said property;".

HOUSE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for Senate Bill No. 827, Page 1, In the Title, Line 2 of said page, by inserting after "Supp. 1997," the following: "and sections 253.557 and 253.559 as enacted by senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and approved by the governor,"; and

Further amend said bill, Page 1, In the Title, Line 11 of said page, by deleting the word "thirteen" and inserting in lieu thereof the word "fifteen"; and

Further amend said bill, Page 1, Section A, Line 15 of said page by inserting after "Supp. 1997," the following: "and sections 253.557 and 253.559 as enacted by senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and approved by the governor,"; and

Further amend said bill, Page 1, Section A, Line 20 of said page, by deleting the word "thirteen" and inserting in lieu

thereof the word "fifteen"; and

Further amend said bill, Page 1, Section A, Line 21 of said page, by inserting after the figure "135.208," the figures "253.557, 253.559,"; and

Further amend said bill, Page 29, Section 135.208, Line 8 of said page, by inserting after all of said line the following:

"253.557. **1.** If the amount of such credit exceeds the total tax liability for the year in which the rehabilitated property is placed in service, the amount that exceeds the state tax liability may be carried back to any of the three preceding years or carried forward for credit against the taxes imposed pursuant to chapter 143, RSMo, **and chapter 148, RSMo**, except for sections 143.191 to 143.265, RSMo, for the succeeding ten years, or until the full credit is used, whichever occurs first. **The tax credit can be transferred, sold or assigned.** Credits granted to a partnership, a limited liability company taxed as a partnership or multiple owners of property shall be passed through to the partners, members or owners respectively pro rata or pursuant to an executed agreement among the partners, members or owners documenting an alternate distribution method.

2. Notwithstanding any provision of law to the contrary, any entity which is not for profit, excluding religious and governmental institutions, may sell, assign, exchange, convey or otherwise transfer tax credits allowed pursuant to section 253.550 under the terms and conditions prescribed in this subsection. Such entity, hereinafter the assignor for the purposes of this subsection, may sell, assign, exchange or otherwise transfer earned tax credits.

The assignee of the tax credits, hereinafter the assignee for purposes of this subsection, may use acquired credits to offset up to one hundred percent of the tax liabilities otherwise imposed pursuant to chapter 143, RSMo, and chapter 148, RSMo, except for sections 143.191 to 143.265, RSMo. Unused credits in the hands of the assignee may be carried forward and carried back in accordance with subsection 1 of this section. The assignor shall enter into a written agreement with the assignee establishing the terms and conditions of the agreement and shall perfect such transfer by notifying the department of economic development in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the department of economic development to administer and carry out the provisions of this section. Notwithstanding any provision of law to the contrary, the excess of the par value of such credits over the amount paid by the assignee for such credit shall be taxable as income of the assignee. The aggregate of all tax credits authorized pursuant to the provisions of this subsection per eligible property shall not exceed twenty-one million dollars per fiscal year. Fourteen million dollars of such credits shall be reserved for projects which individually are earned credits of five hundred thousand dollars or more. Seven million dollars of such credits shall be reserved for projects which individually are earned to credits of less than five hundred thousand dollars. The department of economic development with the approval of the department of natural resources shall promulgate rules to implement the provisions of this subsection, including the establishment of selection criteria.

3. The provisions of subsection 2 of this section shall expire December 31, 2003.

253.559. **1.** To claim the credit authorized pursuant to sections 253.550 to 253.561 **of senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and section 253.557 of this act**, the taxpayer shall apply to the department of economic development which, in consultation with the department of natural resources, shall determine the amount of eligible rehabilitation costs and expenses and whether the rehabilitation meets the standards of the Secretary of the United States Department of the Interior **for rehabilitation as determined by the state historic preservation officer of the Missouri department of natural resources. For financial institutions credits authorized pursuant to sections 253.550 to 253.561 shall be deemed to be "economic development credits" for purposes of section 148.064, RSMo.** The issuing of certificates of eligible credits to taxpayers shall be performed by the department of economic development. The taxpayer shall attach the certificate to all Missouri income tax returns on which the credit is claimed.

2. The department of economic development shall determine, on an annual basis, the overall economic impact to the state from the rehabilitation of eligible property."

HOUSE AMENDMENT NO. 16

Amend House Substitute for House Committee Substitute for Senate Bill No. 827, Page 267, Section 2, Line 10, by inserting after said line the following new section:

"Section 3. By the effective date of this act, the Speaker of the house of representatives shall appoint 9 members of the house, not more than five of whom shall be from the same political party, to evaluate all tax credit programs administered by the department of economic development. Such interim committee shall submit a report with recommendations concerning such tax credit programs by March 1, 1999, to the Speaker of the house of representatives."

In which the concurrence of the Senate is respectfully requested.

BILL REFERRALS

President Pro Tem McKenna referred **HCS** for **HB 1265** and **HB 1258**, with **SCA 1**, to the Committee on State Budget Control.

HOUSE BILLS ON THIRD READING

HB 1876, with **SCS**, introduced by Representative Leake, et al, entitled:

An Act to repeal section 275.350, RSMo 1994, relating to funds in the commodity merchandising program, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up by Senator Johnson.

SCS for **HB 1876**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1876

An Act to repeal section 275.350, RSMo 1994, relating to funds in the commodity merchandising program, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Johnson moved that **SCS** for **HB 1876** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **HB 1876** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Banks	Curls	Ehlmann	Quick--4
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Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Rohrbach	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Banks	Curls	Quick	Russell--4
	Absent with leave--Senators--None		

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

Senator Wiggins moved that **HB 1507**, with **SCS**, **SA 1**, **SSA 1** for **SA 1** and **SA 1** to **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Scott, **SA 1** to **SSA 1** for **SA 1** was withdrawn.

At the request of Senator Flotron, **SSA 1** for **SA 1** was withdrawn.

At the request of Senator Mathewson, **SA 1** was withdrawn.

At the request of Senator Wiggins, **HB 1507**, with **SCS** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 1915, regarding the One Hundredth Anniversary of the First Baptist Church, Dadeville, which was adopted.

Senator McKenna offered Senate Resolution No. 1916, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jack Cronin, which was adopted.

Senator Singleton offered Senate Resolution No. 1917, regarding the One Hundred Twenty-fifth Anniversary of the City of Joplin, which was adopted.

Senator House offered Senate Resolution No. 1918, regarding Jim and Donna Joerling, New Melle, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Flotron introduced to the Senate, fourth, fifth and sixth grade students from Chesterfield Day School-St. Albins, St. Louis.

Senator Scott introduced to the Senate, Madeline May Reardon, St. Louis; and Madeline was made an honorary page.

On motion of Senator Johnson, the Senate adjourned until 9:30 a.m., Wednesday, May 13, 1998.

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-FIRST DAY--WEDNESDAY, MAY 13, 1998

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, in Luke, Jesus taught us, "Make to yourselves friends." We are thankful that friends don't have to agree with us, be of the same political party, be of the same religion, or even always like the same things. We are thankful that friendship is based on mutual respect and trust. Help us to be friends with one another during the last days of this session. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Quick moved that the Senate Journal for Tuesday, May 12, 1998, be corrected on page 1258, column 1, line 38, by deleting "/s/ Mike Gibbons" and inserting in lieu thereof the following "/s/ May Scheve"; and further on line 41, by deleting "May Scheve" and inserting in lieu thereof the following "Mike Gibbons", which motion prevailed.

The Journal of the previous day was read and approved, as corrected.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Graves offered Senate Resolution No. 1919, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. David Anderson, Norborne, which was adopted.

Senator Graves offered Senate Resolution No. 1920, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Joe Bethards, Laredo, which was adopted.

Senator Graves offered Senate Resolution No. 1921, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Billy Joe Meyer, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 1922, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Frank Lemon, Skidmore, which was adopted.

Senator Graves offered Senate Resolution No. 1923, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Ronald Zirkle, Stewartsville, which was adopted.

Senator Graves offered Senate Resolution No. 1924, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eugene Sewell, Hale, which was adopted.

Senator Graves offered Senate Resolution No. 1925, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Murphy, Graham, which was adopted.

Senator Graves offered Senate Resolution No. 1926, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leroy Dominique, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1927, regarding Christine Harrelson, Milan, which was adopted.

PRIVILEGED MOTIONS

Senator Mathewson moved that the Senate refuse to concur in **HS** for **HCS** for **SB 827**, as amended, and request the House to recede from its position or failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator House moved that the Senate conferees on **HS** for **HCS** for **SS** for **SCS** for **SB 781**, as amended, be allowed to exceed the differences, which motion prevailed on a standing division vote.

CONCURRENT RESOLUTIONS

Senator Schneider moved that **HCR 26** be taken up for adoption, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Schneider, joined by the entire membership of the Senate, moved that **HCR 26** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Curls	Ehlmann	Kenney--3	
Absent with leave--Senators--None			

CONFERENCE COMMITTEE REPORTS

Senator Quick, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SS No. 2** for **SCS** for **SB 632**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 632

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for Senate substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632, with House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendment No. 3, House Substitute Amendment No. 1 for House Amendment No. 6, House Amendment No. 7, House Amendment No. 8 and House Substitute Amendment No. 1 for House Amendment No. 9; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position of House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632, as amended;
2. That the Senate recede from its position on Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632;
3. That the attached Conference Committee Substitute for House Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 632 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Edward E. Quick
/s/ Bill McKenna
/s/ Wayne Goode
/s/ Morris Westfall
/s/ Larry Rohrbach

FOR THE HOUSE:

/s/ Scott B. Lakin
/s/Katherine J. Hollingsworth
/s/ Steve Gaw
/s/ Charlie Shields
/s/ T. Mark Elliott

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Quick moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	House	Howard	Jacob
Johnson	Kenney	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Schneider	Scott
Sims	Staples	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators		

Graves	Kinder	Russell	Singleton--4
	Absent--Senator Banks--1		
	Absent with leave--Senators--None		

Senator Mathewson resumed the Chair.

On motion of Senator Quick, **CCS** for **HS** for **SS No. 2** for **SCS** for **SB 632**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 632

An Act to amend chapter 208, RSMo, by adding thereto two new sections relating to providing health care coverage through Medicaid for certain uninsured children, with an expiration date for a certain section.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators			
Banks	Bentley	Caskey	Childers	
Clay		Curls	DePasco	Goode
House	Howard	Jacob	Johnson	
Kenney	Lybyer	Mathewson	Maxwell	
McKenna	Mueller	Quick	Rohrbach	
Schneider	Scott	Sims	Staples	
Westfall	Wiggins--26			
	NAYS--Senators			
Ehlmann	Flotron	Graves	Kinder	
Klarich	Russell	Singleton	Yeckel--8	
	Absent--Senators--None			
	Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Wiggins moved that **HB 1507**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HB 1507** was again taken up.

Senator Flotron offered **SS** for **SCS** for **HB 1507**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1507

An Act to repeal sections 143.221, 143.521, 144.080, 144.655 and 147.010, RSMo 1994, and section 144.014, RSMo Supp. 1997, relating to the filing requirements for certain tax returns and payments, and to enact in lieu thereof six new sections relating to the same subject.

Senator Flotron moved that **SS** for **SCS** for **HB 1507** be adopted.

Senator Johnson resumed the Chair.

Senator McKenna assumed the Chair.

At the request of Senator Wiggins, **HB 1507**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 787**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 787**, as amended. Representatives: Riback Wilson, Gunn, Boucher, McClelland and Holand.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1876** and has again taken up and passed **SCS** for **HB 1876**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HS** for **HCS** for **HBs 1237, 1409, 1166, 1154 and 1491** and has again taken up and passed **SS** for **HS** for **HCS** for **HBs 1237, 1409, 1166, 1154 and 1491**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1229** and has again taken up and passed **SCS** for **HB 1229**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 827**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**

for **SCS** for **HS** for **HB 1694**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1272** and has taken up and passed **CCS** for **SCS** for **HB 1272**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SB 945** and has taken up and passed **CCS** for **SB 945**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS #2** for **HCS** for **SS** for **SCS** for **SBs 675, 483, 490 and 564** and has taken up and passed **CCS** for **HS #2** for **HCS** for **SS** for **SCS** for **SBs 675, 483, 490 and 564**.

Bill ordered enrolled.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for

SB 827, as amended: Senators Mathewson, Scott, Lybyer, Childers and Sims.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 787**, as amended: Senators Clay, DePasco, Schnieder, Sims and Childers.

On motion of Senator Quick, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

PRIVILEGED MOTIONS

Senator Maxwell moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HB 1694**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Bentley, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1272**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1272

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 1272, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Bill No. 1272;
- 2. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1272;
- 3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1272 be adopted.

FOR THE SENATE:
/s/ Wayne Goode
/s/ Morris Westfall
/s/ Roseann Bentley
/s/ William Clay
/s/ Sidney Johnson

FOR THE HOUSE:
/s/ Craig Hosmer
/s/ Mike Schilling
/s/ Carol Stroker
/s/ Chuck Wooten
/s/ Roy W. Holand

Senator Bentley moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator House--1			
Absent with leave--Senators--None			

On motion of Senator Bentley, **CCS** for **SCS** for **HB 1272**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE

FOR HOUSE BILL NO. 1272

An Act to repeal sections 162.471 and 162.481, RSMo 1994, relating to school boards, and to enact in lieu thereof two new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Wiggins moved that **HB 1507**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HB 1507** was again taken up.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1507, Page 9, Section 144.080, Line 8, by inserting after said line the following:

"144.517. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and sections 144.600 to 144.745, and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 and sections 144.600 to 144.745, all sales of textbooks, as defined by section 170.051, RSMo, when such textbook is purchased for use by a student of any public or private university, college or other postsecondary institution of higher learning offering a course of study leading to a degree in the liberal arts, humanities or sciences or in a professional, vocational or technical field."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SA 1** was withdrawn.

Senator Bentley offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1507, Page 1, Section A, Line 5, by inserting immediately after said line the following:

"135.010. As used in sections 135.010 to 135.030 the following words and terms mean:

- (1) "Claimant", a person or persons claiming a credit [under] **pursuant to** sections 135.010 to 135.030. If the persons are eligible to file a joint federal income tax return and reside at the same address at any time during the taxable year, then the credit may only be allowed if claimed on a combined Missouri income tax return or a combined claim return reporting their combined incomes and property taxes. A claimant shall not be allowed a property tax **or pharmaceutical tax** credit unless the claimant or spouse has attained the age of sixty-five on or before the last day of the calendar year and the claimant or spouse was a resident of Missouri for the entire year, or the claimant or spouse is a veteran of any branch of the armed forces of the United States or this state who became one hundred percent disabled as a result of such service, or the claimant or spouse is disabled as defined in subdivision (2) of this section, and such claimant or spouse provides proof of such disability in such form and manner, and at such times, as the director of revenue may require. The residency requirement shall be deemed to have been fulfilled for the purpose of determining the eligibility of a surviving spouse for a property tax credit if a person of the age of sixty-five years or older who would have otherwise met the requirements for a property tax credit dies before the last day of the calendar year. The residency requirement shall also be deemed to have been fulfilled for the purpose of determining the eligibility of a claimant who would have otherwise met the requirements for a property tax credit but who dies before the last day of the calendar year;
- (2) "Disabled", the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months. A claimant shall not be required to be gainfully employed prior to such disability to qualify for a property tax credit;
- (3) "Gross rent", amount paid by a claimant to a landlord for the rental, at arm's length, of a homestead during the calendar year, exclusive of charges for health and personal care services and food furnished as part of the rental agreement, whether or not expressly set out in the rental agreement. If the director of revenue determines that the landlord and tenant have not dealt at arm's length, and that the gross rent is excessive, then [he] **the director** shall determine the gross rent based upon a reasonable amount of rent. Gross rent shall be deemed to be paid only if actually paid prior to the date a return is filed. The director of revenue may prescribe regulations requiring a return of information by a landlord receiving rent, certifying for a calendar year the amount of gross rent received from a tenant claiming a property tax credit and shall, by regulation, provide a method for certification by the claimant of the amount of gross rent paid for any calendar year for which a claim is made. The regulations authorized by this subdivision may require a landlord or a tenant or both to provide data relating to health and personal care services and to food. Neither a landlord nor a tenant may be required to provide data relating to utilities, furniture, home furnishings or appliances;
- (4) "Homestead", the dwelling in Missouri owned or rented by the claimant and not to exceed five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. It may consist of part of a multidwelling or multipurpose building and part of the land upon which it is built. "Owned" includes a vendee in possession [under] **pursuant to** a land contract and one or more tenants by the entireties, joint tenants, or tenants in common and includes a claimant actually in possession if [he] **the claimant** was the immediate former owner of record, if a lineal descendant is presently the owner of record, and if the claimant actually pays all taxes upon the property. It may include a mobile home;

(5) "Income", Missouri adjusted gross income as defined in section 143.121, RSMo, less two thousand dollars as an exemption for the claimant's spouse residing at the same address, and increased, where necessary, to reflect the following:

(a) Social security, railroad retirement, and veterans payments and benefits unless the claimant is a one hundred percent service-connected, disabled veteran or a spouse of a one hundred percent service-connected, disabled veteran. The one hundred percent service-connected disabled veteran shall not be required to list veterans payments and benefits;

(b) The total amount of all other public and private pensions and annuities;

(c) Public relief, public assistance, and unemployment benefits received in cash, other than benefits received [under] **pursuant to** this chapter;

(d) No deduction being allowed for losses not incurred in a trade or business;

(e) Interest on the obligations of the United States, any state, or any of their subdivisions and instrumentalities;

(6) "Prescription drugs", prescription drugs ordered by a licensed physician, and any insulin and syringes and needles used to administer the insulin;

[(6)] **(7)** "Property taxes accrued", property taxes paid, exclusive of special assessments, penalties, interest, and charges for service levied on a claimant's homestead in any calendar year. Property taxes shall qualify for the credit only if actually paid prior to the date a return is filed. The director of revenue shall require a tax receipt or other proof of property tax payment. If a homestead is owned only partially by claimant, then "property taxes accrued" is that part of property taxes levied on the homestead which was actually paid by the claimant. For purposes of this subdivision, property taxes are "levied" when the tax roll is delivered to the director of revenue for collection. If a claimant owns a homestead part of the preceding calendar year and rents it or a different homestead for part of the same year, "property taxes accrued" means only taxes levied on the homestead both owned and occupied by the claimant, multiplied by the percentage of twelve months that such property was owned and occupied as the homestead of the claimant during the year. When a claimant owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of taxes allocable to those several properties occupied by the claimant as a homestead for the year. If a homestead is an integral part of a larger unit such as a farm, or multipurpose or multidwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For purposes of this subdivision "unit" refers to the parcel of property covered by a single tax statement of which the homestead is a part;

[(7)] **(8)** "Rent constituting property taxes accrued", twenty percent of the gross rent paid by a claimant and spouse in the calendar year.

135.015. Procedural matters related to filing a claim [under] **pursuant to** sections 135.010 to 135.030, including refunds, deficiencies, interest, contents of returns, limitations, and penalties shall be determined pursuant to sections 143.481 to [143.996] **143.1012**, RSMo, applicable to the income tax. The credit regarding the property taxes **or pharmaceutical expenses** of a calendar year may only be claimed on a return for the calendar year or for a claimant's return for a fiscal year that includes the end of the calendar year.

135.020. A credit for property taxes **and pharmaceutical expenses** shall be allowed for the amount provided in section 135.030. If the amount allowable as a credit exceeds the income tax reduced by other credits, then the excess shall be considered an overpayment of the income tax.

135.030. 1. As used in this section:

(1) The term "maximum upper limit" shall, in the calendar year 1989, be the sum of thirteen thousand five hundred dollars. For each calendar year through December 31, 1992, the maximum upper limit shall be increased by five hundred dollars per year. For each calendar year after December 31, 1992, the maximum upper limit shall be the sum used on December 31, 1992;

(2) The term "minimum base" shall, in the calendar year 1989, be the sum of five thousand dollars. For each succeeding calendar year through December 31, 1992, the minimum base shall be increased, in one-hundred-dollar increments, by the same percentage as the increase in the general price level as measured by the Consumer Price Index for all urban consumers for the United States, or its successor index, as defined and officially recorded by the United States Department of Labor, or its successor agency, or five percent, whichever is greater. The increase in the index shall be that as first published by the Department of Labor for the calendar year immediately preceding the year in which the minimum base is calculated. For each calendar year after December 31, 1992, the minimum base shall be the sum used on December 31, 1992.

2. When calculating the minimum base for purposes of this section, whenever the increase in the Consumer Price Index used in the calculation would result in a figure which is greater than one one-hundred-dollar increment but less than another one-hundred-dollar increment, the director of revenue shall always round that figure off to the next higher one-hundred-dollar increment when determining the table of credits [under] **pursuant to** this section.

3. If the income on a return is equal to or less than the maximum upper limit for the calendar year for which the return is filed, the property tax credit shall be determined from a table of credits based upon the amount by which the total property tax described in section 135.025 exceeds the percent of income in the following list:

If the income on the return is: The percent is:

Not over the minimum base 0 percent with credit not to exceed actual property tax or rent equivalent paid up to \$750

Over the minimum base but 1/8 percent

not over the maximum upper accumulative

limit per \$200 from 0

percent to 2 percent; 1/4 percent accumulative per \$200 from 2 percent to 4 percent.

The director of revenue shall prescribe a table based upon the preceding sentences. The property tax shall be in increments of twenty-five dollars and the income in increments of two hundred dollars. The credit shall be the amount rounded to the nearest whole dollar computed on the basis of the property tax and income at the midpoints of each increment. As used in this subsection, the term "accumulative" means an increase by continuous or repeated application of the percent to the income increment at each two-hundred-dollar level.

4. The pharmaceutical credit allowed pursuant to sections 135.010 to 135.030 shall be equal to the total amount spent on purchasing prescription drugs in any calendar year less any reimbursement from other sources and less one percent of income as defined in section 135.010. The pharmaceutical credit allowed a claimant pursuant to sections 135.010 to 135.030 shall not exceed seven hundred fifty dollars. A claimant's spouse residing at the same address as claimant shall also be eligible for the pharmaceutical credit and any such eligible spouse shall calculate such credit using the same income as that used by the claimant."; and

Further amend said bill, page 14, section 147.010, line 21, by inserting immediately after said line the following:

"Section B. The provisions of section 135.010 shall become effective January 1, 1999."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 3**:

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1507, Page 1, Section A, Line 5, by inserting immediately after said line the following:

"137.102. 1. This act shall be known and may be cited as "The Missouri Homestead Preservation Act".

2. Notwithstanding any other provision of law to the contrary, the assessed value of residential property, excluding any value added by new construction or improvements, owned by any person who is under the age of sixty-five years and using the property as a homestead, or owned by any person who is sixty-five years of age or older who has resided on such property for a period of less than five years, shall not increase during any two-year reassessment period by more than the consumer price index or five percent, whichever is less.

3. The assessed value of residential property, excluding any value added by new construction or improvements, owned by any person who is sixty-five years of age or older and who has used that property as a homestead for a period of five years or longer shall not increase during the period of time that person resides on that property after attaining the age of sixty-five years. Any homestead property taken or condemned through judicial proceeding by the United States, or by any political subdivision of the state of Missouri shall exempt the owner of said homestead property under this subsection from the five-year residency eligibility requirement. Age and years of residence for purposes of this section shall be determined as of January 1 of each odd-numbered year; provided, however, that such information shall be provided by affidavit of the owner of homestead property by such date to the county assessor.

4. All revenue losses of any political subdivision resulting from the limitation on assessed valuations contained in this section shall be reimbursed to those political subdivisions by the state of Missouri through appropriations. Data substantiating revenue losses resulting from the limitation on assessed valuations as contained in this section shall be provided to the state auditor in such form as shall be prescribed by the state auditor by rule pursuant to chapter 536, RSMo. The required data shall be submitted for each political subdivision levying a property tax and shall be submitted by either the county or the individual taxing authority as requested by the state auditor. Calculation or verification of the revenue loss shall be determined by the state auditor subsequent to the annual property tax rate review completed pursuant to section 137.073. All data and documents substantiating the revenue loss for each political subdivision shall be copied to each county clerk respectively and shall be retained and made available for public inspection by the county for a minimum of three years. Whenever a taxpayer in a taxing jurisdiction has cause to believe that the taxing jurisdiction has not complied with the provisions of this section, the taxpayer shall have legal standing to bring a civil action to determine and require compliance with this section."; and

Further amend said bill, page 14, section 147.010, line 21, by inserting immediately thereafter said line the following:

"Section B. Section 137.102 of this act shall become effective January 1, 1999."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Goode, Sims and Yeckel.

SA 3 was adopted by the following vote:

	YEAS--Senators		
Bentley	Childers	Clay	Ehlmann
Flotron	Graves	Kenney	Kinder
Klarich	Lybyer	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Westfall	Yeckel--18		
	NAYS--Senators		
Banks	Caskey	DePasco	Goode

House	Howard	Jacob	Johnson
Mathewson	Maxwell	McKenna	Mueller
Schneider	Scott	Wiggins--15	
	Absent--Senator Curls--1		
	Absent with leave--Senators--None		

Senators Johnson and Wiggins offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1507, Page 1, Section A, Line 5 of said page, by inserting immediately after said line the following:

"92.336. The revenues received from the tax authorized [under] **pursuant to** sections 92.325 to 92.340 shall be used exclusively for the advertising and promotion of convention and tourism business for the city from which it is collected, subject to the following requirements:

(1) Not less than [thirty] **forty** percent of the proceeds of any tax imposed [under] **pursuant to** subdivision (1) of section 92.327 shall be appropriated and paid to a general not for profit organization, with whom the city has contracted, and which is incorporated in the state of Missouri and located within the city limits of such city, established for the purpose of promoting such city as a convention, visitors and tourist center with the balance to be used for operating expenses and capital expenditures, including debt service, for sports, convention, exhibition, trade and tourism facilities located within the city limits of the city;

(2) Not less than ten percent of the proceeds of any tax imposed [under] **pursuant to** subdivision (1) of section 92.327 shall be appropriated to a fund that hereby shall be established and called the "Neighborhood Tourist Development Fund". Such moneys from [said] **such** funds shall be paid to not for profit neighborhood organizations with whom the city has contracted, and which are incorporated in the state of Missouri and located within the city limits of such city established for the purpose of promoting such neighborhood through cultural, social, ethnic, historic, educational, and recreational activities in conjunction with promoting such city as a convention visitors and tourist center;

(3) The proceeds of any tax imposed [under] **pursuant to** subdivision (2) of section 92.327 shall be used by the city only for capital expenditures, including debt service, for sports, convention, exhibition, trade and tourism facilities located within the city limits of the city."; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1507, Page 7, Section 144.014, Line 6, by inserting immediately after said line the following:

"144.071. 1. In all cases where the purchaser of a motor vehicle, trailer, boat or outboard motor rescinds the sale of that motor vehicle, trailer, boat or outboard motor and receives a refund of the purchase price and returns the motor vehicle, trailer, boat or outboard motor to the seller within sixty calendar days from the date of the sale, **or returns a motor vehicle to a manufacturer pursuant to section 407.567, RSMo**, the sales or use tax paid to the department of revenue shall be refunded to the purchaser upon proper application to the director of revenue.

2. In any rescission whereby a seller reacquires title to the motor vehicle, trailer, boat or outboard motor sold by him and the reacquisition is within sixty calendar days from the date of the original sale, the person reacquiring the motor

vehicle, trailer, boat or outboard motor shall be entitled to a refund of any sales or use tax paid as a result of the reacquisition of the motor vehicle, trailer, boat or outboard motor, upon proper application to the director of revenue.

3. Any city or county sales or use tax refunds shall be deducted by the director of revenue from the next remittance made to that city or county.

4. Each claim for refund must be made within one year after payment of the tax on which the refund is claimed, **except in cases in which a motor vehicle is returned to the manufacturer pursuant to section 407.567, RSMo.**

5. As used in this section, the term "boat" includes all motorboats and vessels as the terms "motorboat" and "vessel" are defined in section 306.010, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 6:**

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1507, Page 14, Section 147.010, Line 21 of said page, by inserting immediately after said line the following:

"Section 1. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of chapter 144, RSMo, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 7:**

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1507, Page 5, Section 143.521, Line 7, by inserting immediately after all of said line the following:

"143.807. 1. For tax years beginning on or after January 1, 1999, an individual taxpayer whose federal income tax liability was reduced for that taxable year for a claim of right credit pursuant to section 1341 of the Internal Revenue Code shall be allowed a credit against the tax imposed by this chapter, excluding withholding tax imposed by sections 143.191 to 143.265, for an amount equal to the Missouri income tax for the prior taxable year computed without exclusion of such item, or portion thereof, minus the Missouri income tax for the prior taxable year which would result with the exclusion of such item, or portion thereof. To be eligible for the credit, a taxpayer must have filed a Missouri individual income tax return for both the year in which the income was received and for the year in which a federal income tax credit was received due to a claim of right.

2. The credit is considered to be a payment of tax on the last day prescribed by law for the payment of tax for the taxable year in which the credit is claimed. If an overpayment occurs as a result of claiming the credit, a refund or credit shall be made in the same manner as if it were an overpayment for such taxable year."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer offered **SA 8:**

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1507, Page 14, Section 147.010, Line 21 of said page, by inserting immediately after said line the following:

"311.554. 1. In addition to the charges imposed by section 311.550, there shall be paid to and collected by the director of revenue for the privilege of selling wine, an additional charge of six cents per gallon or fraction thereof. The additional charge shall be paid and collected in the same manner and at the same time that the charges imposed by section 311.550 are paid and collected.

2. The revenue derived from the additional charge imposed by subsection 1 shall be deposited by the state treasurer to the credit of a separate account in the marketing development fund created by section 261.035, RSMo. Moneys to the credit of the account shall be appropriated annually for use by the division of the state department of agriculture concerned with market development in developing programs for growing, selling, and marketing of grapes and grape products grown in Missouri, including all necessary funding for the employment of experts in the fields of viticulture and enology as deemed necessary, and programs aimed at improving marketing of all varieties of grapes grown in Missouri; and shall be appropriated and used for no other purpose.

[3. This section shall become effective January 1, 1984, and shall terminate on October 1, 2001.]"

Further amend the title and enacting clause accordingly.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 9:**

SENATE AMENDMENT NO. 9

Amend Senate Substitute for House Committee Substitute for House Bill No. 1507, Page 1, Section A, Line 5, by inserting immediately after all of said line the following:

"143.131. 1. The Missouri standard deduction may be deducted in determining Missouri taxable income of a resident individual unless the taxpayer or his spouse has elected to itemize his deduction as provided in section 143.141.

2. The Missouri standard deduction shall be the allowable federal standard deduction, **increased to the extent not otherwise deductible by the taxes for the same taxable year for which the return is being filed that are imposed by section 3101 of the Internal Revenue Code, relating to the tax on employees under the Federal Insurance Contributions Act, by sections 3201 and 3211, relating to the taxes on railroad employees and railroad employee representatives under the Railroad Retirement Act, and by section 1401, relating to tax on self-employment income, to the extent that such taxes were not deducted in the computation of the taxpayer's federal adjusted gross income under the Internal Revenue Code of 1986, as amended."** and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in

his request by Senators Childers, Ehlmann, Russell and Westfall.

SA 9 was adopted by the following vote:

YEAS--Senators			
Childers	Ehlmann	Flotron	Goode
Graves	House	Kenney	Kinder
Klarich	Lybyer	Maxwell	Mueller
Rohrbach	Russell	Singleton	Staples
Westfall	Yeckel--18		
NAYS--Senators			
Banks	Bentley	Caskey	Clay
Curls	DePasco	Howard	Jacob
Johnson	Mathewson	McKenna	Quick
Schneider	Scott	Sims	Wiggins--16
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Goode offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1507, Page 6, Section 144.014, Line 2, by deleting "fifty" and inserting in lieu thereof the word "**eighty**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1507, Page 5, Section 144.014, Line 22, by inserting after the word "Sales" the following: "and except for food which is primarily produced for consumption at home".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1507, page 1, Section A, Line 5 of said page, by inserting after all of said line the following:

"135.501. 1. As used in this section, the following terms shall mean:

- (1) "Motor vehicle", any motor vehicle which is owned by one or more individuals and which is primarily used for non-business purposes;**
- (2) "Personal property tax", any tax assessed and levied on tangible personal property pursuant to the provisions of chapter 137, RSMo;**
- (3) "State tax liability", any liability of an individual taxpayer pursuant to the provisions of chapter 143, RSMo.**

2. For the tax year beginning on or after January 1, 1999, but before January 1, 2000, an individual taxpayer shall be allowed a credit against his or her state tax liability for twenty-five percent of the amount of any personal property tax paid, during the calendar year for which the income tax return is being filed, on motor vehicles owned by that taxpayer. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed. For the tax year beginning on or after January 1, 2000, but before January 1, 2001, an individual taxpayer shall be allowed a credit against his or her state tax liability for fifty percent of the amount of any personal property tax paid, during the calendar year for which the income tax return is being filed, on motor vehicles owned by that taxpayer. For the tax year beginning on or after January 1, 2001, but before January 1, 2002, an individual taxpayer shall be allowed a credit against his or her state tax liability for seventy-five percent of the amount of any personal property tax paid, during the calendar year for which the income tax is being filed, on motor vehicles owned by that taxpayer. For all tax years beginning on or after January 1, 2002, an individual taxpayer shall be allowed a credit against his or her state tax liability for one hundred percent of the amount of any personal property tax paid, during the calendar year for which the income tax return is being filed, on motor vehicles owned by that taxpayer. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Flotron, Graves and Russell.

SA 12 was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Kenney	Kinder	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			
NAYS--Senators			
Banks	Johnson	Rohrbach--3	
Absent--Senators			
Curls	Klarich--2		
Absent with leave--Senators--None			

Senator Graves offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1507, Page 1, Section A, Line 5 of said page, by inserting after said line the following:

"137.100. The following subjects are exempt from taxation for state, county or local purposes:

- (1) Lands and other property belonging to this state;
- (2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;

(3) Nonprofit cemeteries;

(4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, **including not-for-profit agribusiness associations**;

(5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place."; and

Further amend the title and enacting clause accordingly.

Senator Graves moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1507, Page 9, Section 144.080, Line 8, by inserting after said line the following:

"144.517. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and sections 144.600 to 144.745, and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 and sections 144.600 to 144.745, all sales of textbooks, as defined by section 170.051, RSMo, when such textbook is purchased for use by a student of any public or private university, college or other postsecondary institution of higher learning offering a course of study leading to a degree in the liberal arts, humanities or sciences or in a professional, vocational or technical field."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1507, Page 5, Section 143.521, Line 8 of said page, by inserting immediately after said line the following:

"144.010. 1. The following words, terms, and phrases when used in sections 144.010 to 144.510 have the meanings ascribed to them in this section, except when the context indicates a different meaning:

(1) "Admission" includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor and amount paid for admission, exclusive of any admission tax imposed by the federal government or by sections 144.010 to 144.510;

(2) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect, and the classification of which business is of such character as to be subject to the terms of sections 144.010 to 144.510. The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business, does not constitute engaging in business within the meaning of sections 144.010 to 144.510 unless the total amount of the gross receipts from such sales, exclusive of receipts from the sale of tangible personal property by persons which property is sold in the course of the partial or

complete liquidation of a household, farm or nonbusiness enterprise, exceeds three thousand dollars in any calendar year. The provisions of this subdivision shall not be construed to make any sale of property which is exempt from sales tax or use tax on June 1, 1977, subject to that tax thereafter;

(3) "Gross receipts", except as provided in section 144.012, means the total amount of the sale price of the sales at retail including any services other than charges incident to the extension of credit that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; except that, the term "gross receipts" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. In determining any tax due under sections 144.010 to 144.510 on the gross receipts, charges incident to the extension of credit shall be specifically exempted. For the purposes of sections 144.010 to 144.510 the total amount of the sale price above mentioned shall be deemed to be the amount received. It shall also include the lease or rental consideration where the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer of possession would be taxable if outright sale were made and, in such cases, the same shall be taxable as if outright sale were made and considered as a sale of such article, and the tax shall be computed and paid by the lessee upon the rentals paid;

(4) "Livestock", cattle, calves, sheep, swine, ratite birds, including but not limited to, ostrich and emu, aquatic products as defined in section 277.024, RSMo, elk documented as obtained from a legal source and not from the wild, goats, horses, other equine, or rabbits raised in confinement for human consumption;

(5) "Motor vehicle leasing company" shall be a company obtaining a permit from the director of revenue to operate as a motor vehicle leasing company. Not all persons renting or leasing trailers or motor vehicles need to obtain such a permit; however, no person failing to obtain such a permit may avail itself of the optional tax provisions of subsection 5 of section 144.070, as hereinafter provided;

(6) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or agency, except the state highways and transportation department, estate, trust, business trust, receiver or trustee appointed by the state or federal court, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular number;

(7) "Product" means tangible personal property, or any service that is subject to state or local sales or use taxes, or any tax that is substantially equivalent thereto, in this state, or in any other state;

(8) "Purchaser" means a person who purchases tangible personal property or to whom are rendered services, receipts from which are taxable under sections 144.010 to 144.510;

[(8)] (9) "Sale" or "sales" includes installment and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale, and means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration and the rendering, furnishing or selling for a valuable consideration any of the substances, things and services herein designated and defined as taxable under the terms of sections 144.010 to 144.510;

[(9)] (10) "Sale at retail" means any transfer made by any person engaged in business as defined herein of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration; except that, for the purposes of sections 144.010 to 144.510 and the tax imposed thereby: (i) purchases of tangible personal property made by duly licensed physicians, dentists, optometrists and veterinarians and used in the practice of their professions shall be deemed to be purchases for use or consumption and not for resale; and (ii) the selling of computer printouts, computer output or microfilm or microfiche and computer assisted photo compositions to a purchaser to enable the purchaser to obtain for his own use the desired information contained in such computer printouts, computer output on microfilm or microfiche and computer assisted photo compositions shall be considered as the sale of a service and not as the sale of tangible personal property. Where necessary to conform to the context of sections 144.010 to 144.510 and the tax imposed thereby, the term "sale at retail" shall be construed to embrace:

- (a) Sales of admission tickets, cash admissions, charges and fees to or in places of amusement, entertainment and recreation, games and athletic events;
- (b) Sales of electricity, electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;
- (c) Sales of service to telephone subscribers and to others through equipment of telephone subscribers for the transmission of messages and conversations, both local or long distance, and the sale, rental or leasing of all equipment or services pertaining or incidental thereto;
- (d) Sales of service for transmission of messages by telegraph companies;
- (e) Sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist camp, tourist cabin, or other place in which rooms, meals or drinks are regularly served to the public;
- (f) Sales of tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane, and such buses and trucks as are licensed by the transportation division of the department of economic development of Missouri, engaged in the transportation of persons for hire;

[(10)] **(11)** "Seller" means a person selling or furnishing tangible personal property or rendering services, on the receipts from which a tax is imposed under section 144.020;

[(11)] **(12)** The noun "tax" means either the tax payable by the purchaser of a commodity or service subject to tax, or the aggregate amount of taxes due from the vendor of such commodities or services during the period for which he is required to report his collections, as the context may require.

2. For purposes of the taxes imposed under sections 144.010 to 144.510, and any other provisions of law pertaining to sales or use taxes which incorporate the provisions of sections 144.010 to 144.510 by reference, the term "manufactured homes" shall have the same meaning given it in section 700.010, RSMo.

3. Sections 144.010 to 144.510 may be known and quoted as the "Sales Tax Law".; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Flotron moved that **SS** for **SCS** for **HB 1507**, as amended, be adopted, which motion prevailed.

Senator Wiggins was recognized to close.

President Pro Tem McKenna referred **SS** for **SCS** for **HB 1507**, as amended, to the Committee on State Budget Control.

Senator Johnson announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

At the request of Senator House, **HS** for **HCS** for **HBs 1441, 937 and 1795**, with **SCS**, was placed on the Informal Calendar.

HS for **HCS** for **HBs 1455 and 1463**, with **SCS**, entitled:

An Act to repeal sections 86.390, 86.440, 86.441, 86.483, 86.680 and 86.750, RSMo 1994, and sections 86.251, 86.256, 86.260, 86.280, 86.283, 86.287, 86.447, 86.620, 86.672 and 87.371, RSMo Supp. 1997, relating to certain police and firemen retirement benefits, and to enact in lieu thereof sixteen new sections relating to the same subject, with an emergency clause for a certain section.

Was taken up by Senator Scott.

SCS for **HS** for **HCS** for **HBs 1455** and **1463**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1455 and 1463

An Act to repeal sections 86.390, 86.440, 86.441, 86.483, 86.680 and 86.750, RSMo 1994, and sections 86.251, 86.256, 86.260, 86.280, 86.283, 86.287, 86.447, 86.620, 86.672, 86.810, 87.371 and 104.612, RSMo Supp. 1997, relating to certain retirement systems, and to enact in lieu thereof eighteen new sections relating to the same subject, with an emergency clause for a certain section.

Was taken up.

Senator Scott moved that **SCS** for **HS** for **HCS** for **HBs 1455** and **1463** be adopted.

Senator Scott offered **SS** for **SCS** for **HS** for **HCS** for **HBs 1455** and **1463**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1455 and 1463

An Act to repeal sections 86.390, 86.440, 86.441, 86.483, 86.680, 86.750, 104.352 and 104.370, RSMo 1994, and sections 86.251, 86.253, 86.256, 86.260, 86.280, 86.283, 86.287, 86.447, 86.620, 86.672, 86.810, 87.371, 104.374 and 104.612, RSMo Supp. 1997, and section 104.348, as truly agreed to and finally passed by the second regular session of the eighty-ninth general assembly in house committee substitute for senate bill no. 841, relating to certain retirement systems, and to enact in lieu thereof twenty-three new sections relating to the same subject, with an emergency clause for certain sections.

Senator Scott moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 1455** and **1463** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1455 and 1463, Page 54, Section 104.370, Line 18 of said page, by striking the word "one" and inserting in lieu thereof the following: "**two**"; and further amend line 19 of said page, by striking "seventy-five".

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1455 and 1463, Page 2, Section A, Line 5, by inserting immediately after all of said line the following:

"70.686. If a retirant becomes employed in a position covered by the system, [he] **such retirant** shall forfeit one monthly allowance payment for each calendar month in which [he] **the retirant** renders any such employment[. During such employment, a retirant shall not accrue additional credited service nor shall he contribute to the system.]; **except that, the retirant shall be considered a reemployed member with contributions due immediately in accordance with sections 70.705 and 70.710. Such period of reemployment shall be for a minimum of one year of additional membership service before the retirant shall receive any additional allowance. Any reemployed retirant who has one or more years of membership service after reemployment and later retires shall receive an additional allowance calculated to include only the membership service and the average compensation earned by the member since reemployment, if such employment is less than the period described in section 70.656. In either event, the original allowance and the additional allowance, if any, shall be paid commencing with the first month after such reemployment terminates. If the retirant retired pursuant to section 70.680, the provisions of section 70.680 shall apply.**"; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1455 and 1463, Page 25, Section 87.371.3, Line 21, by adding after the "." on said line the following:

"70.697. Any member who is eligible to receive benefits under the local government employees' retirement system and who retires after August 28, 1993, and who is also eligible to receive benefits under the provisions of sections 56.800 to 56.840, RSMo, shall receive benefits under sections 56.800 to 56.840, RSMo, which are reduced by **one-third** of the amount received from the local government employees' retirement system."; and further amend said bill by amending the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1455 and 1463, Page 31, Section 104.612, Line 236, by inserting after all of said line the following:

"Section 1. Any state employee or official holding employment on August 28, 1998, who has service as a member pursuant to section 104.345, RSMo, shall be entitled to creditable prior service for service rendered as a county employee if the person establishes proof of such service to the satisfaction of the board."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1455 and 1463, page 71, Section 104.612, Line 23, by inserting immediately after all of said line the following:

"476.515. 1. As used in sections 476.515 to 476.565, unless the context clearly indicates otherwise, the following terms mean:

(1) "Beneficiary", a surviving spouse married to the deceased judge continuously for a period of at least [two years] **one year** immediately preceding the judge's death or if there is no surviving spouse eligible to receive benefits pursuant to sections 476.515 to [476.570] **476.565**, the term "beneficiary" shall mean any minor child of the deceased judge, who shall share in the benefits on an equal basis with all other beneficiaries;

(2) "Benefit", a series of equal monthly payments payable during the life of a judge retiring pursuant to the provisions of sections 476.515 to [476.570] **476.565** or payable to a beneficiary as provided in sections 476.515 to [476.570] **476.565**; all benefits paid pursuant to sections 476.515 to [476.570] **476.565** in excess of any contributions made to the system by a judge shall be considered to be a part of the compensation provided a judge for the judge's services;

(3) "Commissioner of administration", the commissioner of administration of the state of Missouri;

(4) "Judge", any person who has served or is serving as a judge or commissioner of the supreme court or of the court of appeals; or as a judge of any circuit court, probate court, magistrate court, court of common pleas or court of criminal corrections of this state; as a justice of the peace; or as commissioner of the probate division of the circuit court appointed after February 29, 1972, in a county of the first classification having a charter form of government or in a city not within a county; or as commissioner of the juvenile division of the circuit court appointed pursuant to section 211.023, RSMo;

(5) "Salary", the total compensation paid for personal services as a judge by the state or any of its political subdivisions.

2. A surviving spouse whose benefits were terminated because of remarriage prior to October 1, 1984, shall, upon written application to the board within six months after October 1, 1984, have the surviving spouse's rights as a beneficiary restored. Benefits shall resume as of October 1, 1984.

3. A surviving spouse who, on or after January 1, 1996, and before August 28, 1998, meets the qualifications of a beneficiary as defined in subdivision (1) of subsection 1 of this section shall be made, constituted, appointed, and employed by the board as a special consultant on the problems of surviving spouses and other state matters for the remainder of the surviving spouse's life. Upon request of the board the consultant shall give opinions or be available to give opinions in writing or orally in response to such requests. As compensation, such consultant shall be eligible to receive benefits as a beneficiary beginning August 28, 1998."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion failed.

Senator Maxwell offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1455 and 1463, Page 71, Section 104.612, Line 23, by inserting immediately after said line the following:

"Section 1. In addition to the provisions for creditable service provided in section 50.1090, RSMo, any county employee as defined in section 50.1000, RSMo, who was employed on January 1, 1989, and who was not employed on August 28, 1994, and who had prior service as a county employee for at least eight years may apply

to the board and shall be made and employed by the board of trustees as a special consultant on the problems of retirement for the remainder of the person's life. Upon request of the board, the consultant shall give opinions or be available to give opinions in writing or orally in response to such requests. As compensation the consultant may elect to become a member of the system and purchase a portion of such prior service as prior creditable service. The election shall be made in writing to the board at the time the person applies to be made a consultant under the provisions of this subsection. The purchase shall be, for those who are not also members of the local government employees' retirement system, at the rate of three percent of the retiring member's average final compensation times the number of years purchased. The purchase for those who are also members of the local government employees' retirement system will be at the rate of two percent of the retiring member's average final compensation times the number of years purchased. Fifty percent of the purchase of prior creditable service shall be made prior to receiving retirement benefits and the balance may be in one lump sum payment at the time of application for appointment as a consultant or may be deducted in equal monthly installments from the retirement benefits paid to the consultant over a period of years to be agreed upon by the consultant and the board but not to exceed four years. If the consultant dies prior to payment of the full amount due, no further payment shall be due and the surviving spouse of the deceased shall receive the benefits required under the provisions of sections 50.1000 to 50.1200, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1455 and 1463, Page 2, Section A, Line 5 of said page, by inserting after all of said line, the following:

"50.1501. Provisions of section 50.1500, subsection 3 to the contrary notwithstanding, if a taxpayer fails to make an installment payment of a portion of the real or personal property taxes owed to the county, then such county may charge the taxpayer interest and penalties on the entire amount of such property taxes owed for that year.";
and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted.

Senator Scott raised the point of order that SA 7 is out of order in that the amendment goes beyond the scope and content of the bill.

President Pro Tem McKenna ruled the point of order well taken.

Senator Scott moved that SS for SCS for HCS for HBs 1455 and 1463, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, SS for SCS for HCS for HBs 1455 and 1463, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Goode
Howard	Jacob	Kinder	Mathewson
Maxwell	McKenna	Mueller	Quick
Schneider	Scott	Staples	Wiggins--20
NAYS--Senators			

Bentley	Graves	House	Johnson
Kenney	Klarich	Lybyer	Rohrbach
Sims	Singleton	Westfall	Yeckel--12
	Absent--Senators		
Flotron	Russell--2		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Goode
Graves	Howard	Jacob	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators		
Bentley	House	Johnson	Kenney
Klarich--5			
	Absent--Senators		
Flotron	Kinder--2		
	Absent with leave--Senators--None		

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 1302, with **SCS**, introduced by Representative Bland, et al, entitled:

An Act relating to certain health care providers.

Was taken up by Senator Banks.

SCS for **HB 1302**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1302

An Act relating to certain health care providers.

Was taken up.

Senator Banks moved that **SCS** for **HB 1302** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1302, Page 1, Section 1, Line 1, by inserting immediately before said line the following:

"191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed practitioners in this state, herein called "providers", shall, upon written request of a patient, or guardian or legally authorized representative of a patient, furnish a copy of his record of that patient's health history and treatment rendered to the person submitting a written request, except that such right shall be limited to access consistent with the patient's condition and sound therapeutic treatment as determined by the provider. [Beginning August 28, 1994,] Such record shall be furnished [within a reasonable time of the receipt of the request therefor and] **and in accordance with the time limit in subsection 4 of this section and** upon payment of a handling fee of [fifteen] **twenty-five** dollars plus a fee of thirty-five cents per page for copies of documents made on a standard photocopy machine.

2. Notwithstanding provisions of this section to the contrary, providers may charge for the reasonable cost of all duplications of medical record material or information which cannot routinely be copied or duplicated on a standard commercial photocopy machine.

3. The transfer of the patient's record done in good faith shall not render the provider liable to the patient or any other person for any consequences which resulted or may result from disclosure of the patient's record as required by this section.

4. Such records will be furnished within thirty days of the receipt of the request for such records. When such records are copied and produced by the provider, they shall, upon request, attest to the accuracy and completeness and shall have a cover affidavit attesting to their production as business records of the provider in compliance with section 490.692, RSMo, and such records are admissible as business records pursuant to sections 490.660 to 490.690, RSMo. Any additional fee charged for the attestation shall not exceed eight dollars. Failure by the provider to comply with the provisions of this section within thirty days of receipt of the request for such records shall result in the waiver of one-half of all handling, attestation and per page copying fees. Failure by the provider to comply with the provisions of this section within sixty days of the receipt of the request for such records shall result in the waiver of all handling, attestation and per page copying fees.

5. Beginning January 1, 2001, the limitation on the handling and attestation fees, but not the per page copying fees provided for in this section, shall be increased or decreased on an annual basis effective January first of each year in accordance with the implicit price deflator for personal consumption expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. The current value of the fees shall be calculated by the director of the department of insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as practicable, but it shall otherwise be exempt from the provisions of section 536.021, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Goode offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1302, Page 1, Section 1, Line 1, by inserting immediately before said section the following:

"Section A. Sections 210.211, 210.245, 210.251, 210.252 and 210.256, RSMo 1994, and section 210.221, RSMo Supp. 1997, are repealed and thirteen new sections enacted in lieu thereof to be known as sections 210.211, 210.221, 210.245, 210.251, 210.252, 210.256, 1, 2, 3, 4, 5, 6 and 7, to read as follows:

210.211. 1. It shall be unlawful for any person to establish, maintain or operate a child care facility for children, or to advertise or hold himself out as being able to perform any of the services as defined in section 210.201, without having

in effect a written license granted by the department of health except that nothing in sections 210.203 to 210.245 shall apply to:

(1) Any person who is caring for four or fewer children. For purposes of this subdivision, children who are related by blood, marriage or adoption to such person within the third degree shall not be considered in the total number of children being cared for;

(2) Any person who has been duly appointed by a court of competent jurisdiction the guardian of the person of the child or children, or the person who has legal custody of the child or children;

(3) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or children of personal friends of such person, and who receives custody of no other unrelated child or children;

(4) Any graded boarding school, [nursery school,] summer camp, hospital, sanitarium or home which is conducted in good faith primarily to provide education, recreation, medical treatment, or nursing or convalescent care for children;

(5) Any nursery school;

~~[(5)]~~ **(6)** Any child care facility maintained or operated under the exclusive control of a religious organization. When a nonreligious organization, having as its principal purpose the provision of child care services, enters into an arrangement with a religious organization for the maintenance or operation of a child care facility, the facility is not under the exclusive control of the religious organization; and

~~[(6)]~~ **(7)** Any residential facility or day program licensed by the department of mental health under sections 630.705 to 630.760, RSMo, which provides care, treatment and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005, RSMo.

2. Notwithstanding the provisions of subsection 1 of this section, no child care facility shall be exempt from licensure if such facility receives any state or federal funds for providing care for children **except for federal funds for those programs that meet the requirements for participation in the Child and Adult Care Food Program, 42 U.S.C. 1766**. Grants to parents for child care under this act shall not be construed to be funds received by the facility.

210.221. 1. The department of health shall have the following powers and duties:

(1) After inspection, to grant licenses to persons to operate child care facilities if satisfied as to the good character and intent of the applicant and that such applicant is qualified and equipped to render care or service conducive to the welfare of children, and to renew the same when expired. No license shall be granted for a term exceeding two years. Each license shall specify the kind of child care services the licensee is authorized to perform, the number of children that can be received or maintained, and their ages and sex;

(2) To inspect the conditions of the homes and other places in which the applicant operates a child care facility, inspect their books and records, premises and children being served, examine their officers and agents, [and] **deny, suspend, place on probation** or revoke the license of such persons as fail to obey the provisions of sections 210.201 to 210.245 or the rules and regulations made by the department of health. **The director also may revoke or suspend a license when the licensee fails to renew or surrenders the license;**

(3) To promulgate and issue rules and regulations the department deems necessary or proper in order to establish standards of service and care to be rendered by such licensees to children. No rule or regulation promulgated by the division shall in any manner restrict or interfere with any religious instruction, philosophies or ministries provided by the facility and shall not apply to facilities operated by religious organizations which are not required to be licensed; and

(4) To determine what records shall be kept by such persons and the form thereof, and the methods to be used in keeping such records, and to require reports to be made to the department at regular intervals.

2. Any child care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of health and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of health. Local inspectors may grant a variance, subject to approval by the department of health.

3. The department shall deny, suspend or revoke a license if it receives official written notice that the local governing body has found that license is prohibited by any local law related to the health and safety of children. The department may after inspection find the licensure, denial of licensure, suspension or revocation may be in the best interest of the state.

[3.] 4. No rule or portion of a rule promulgated under the authority of sections 210.201 to 210.245 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

210.245. 1. Any person who violates any provision of sections 210.201 to 210.245, or who for [himself] **such person** or for any other person makes materially false statements in order to obtain a license or the renewal thereof [under] **pursuant to** sections 210.201 to 210.245, shall be guilty of an infraction for the first offense and shall be assessed a fine not to exceed two hundred dollars and shall be guilty of a class A misdemeanor for subsequent offenses. In case such guilty person is a corporation, association, institution or society, the officers thereof who participate in such misdemeanor shall be subject to the penalties provided by law.

2. If the department of health proposes to deny, suspend or revoke a license, the department of health shall serve upon the applicant or licensee written notice of the proposed action to be taken. The notice shall contain a statement of the type of action proposed, the basis for it, the date the action will become effective, and a statement that the applicant or licensee shall have thirty days to request in writing a hearing before the administrative hearing commission. If no written request for a hearing is received by the department of health within thirty days of the applicant or licensee's receipt of the notice, the proposed discipline shall take effect thirty-one days from the date the original notice was received by the applicant or licensee. If the applicant or licensee makes a written request for a hearing, the department of health shall file a complaint with the administrative hearing commission within ninety days of receipt of the request for a hearing. The complaint shall comply with the laws and regulations for actions brought before the administrative hearing commission.

3. The department of health may issue letters of censure or warning and may place a licensee on probation without formal notice or hearing.

4. The department of health may suspend any license simultaneously with the notice of the proposed action to be taken in subsection 2 of section 210.245, if the department of health finds that there is a threat of imminent bodily harm to the children in care. The notice of suspension shall include the basis of the suspension and the appeal rights of the licensee. The licensee may appeal the decision to suspend the license to the department of health. The appeal must be filed within ten days from the receipt of the notice of appeal. A hearing shall be conducted by the department of health within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department of health, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

5. In addition to initiating proceedings [under] pursuant to subsection 1 of this section, or in lieu thereof, the prosecuting attorney of the county where the child care facility is located may file suit for a preliminary and permanent order overseeing or preventing the operation of a child care facility for violating any provision of sections 210.201 to 210.245. The order shall remain in force until such a time as the court determines that the child care facility is in substantial compliance. If the prosecuting attorney refuses to act or fails to act [within thirty days of] **after** receipt of notice from the department of health, the department of health may request that the attorney general seek an injunction of the operation of such child care facility.

[3.] **6. In cases of imminent bodily harm to children in the care of a child care facility, the department may file suit in the circuit court of the county in which the child care facility is located for injunctive relief, which may include**

removing the children from the facility, overseeing the operation of the facility or closing the facility.

210.251. 1. By January 1, 1994, financial incentives shall be provided by the department of health through the child development block grant and other public moneys for child care facilities wishing to upgrade their standard of care and which meet quality standards.

2. The department of health shall make federal funds available to licensed **and inspected** child care centers pursuant to federal law as set forth in the Child and Adult Food Program, 42 U.S.C. 1766.

210.252. 1. All buildings and premises used by a child care facility to care for more than four children except those exempted from the licensing provisions of the department of health pursuant to subdivisions (1) [to], **(2), (3), (4) and (7)** of section 210.211, shall be inspected annually for fire and safety by the state fire marshal, [his] **the marshal's** designee or officials of a local fire district and for health and sanitation by the department of health or officials of the local health department. Evidence of compliance with the inspections required by this section shall be kept on file and available to parents of children enrolling in the child care facility.

2. Local inspection of child care facilities may be accomplished if the standards employed by local personnel are substantially equivalent to state standards and local personnel are available for enforcement of such standards.

3. Any child care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of health and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of health. Local inspectors may grant a variance, subject to approval by the department.

4. The department of health shall administer the provisions of sections 210.252 to 210.256, with the cooperation of the state fire marshal, local fire departments and local health agencies.

5. The department of health shall promulgate rules and regulations to implement and administer the provisions of sections 210.252 to 210.256. Such rules and regulations shall provide for the protection of children in all child care facilities whether or not such facility is subject to the licensing provisions of sections 210.201 to 210.245.

210.256. 1. Any person who violates any provision of sections 210.252 to 210.255, or who for [himself] **such person** or for any other person makes a materially false statement in the notice of parental responsibility required by sections 210.254 and 210.255, shall be guilty of an infraction for the first offense and shall be assessed a fine not to exceed two hundred dollars and shall be guilty of a class A misdemeanor for subsequent offenses. In case such guilty person is a corporation, association, institution, or society, the officers thereof who participate in such violation shall be subject to the same penalties.

2. In addition to initiating proceedings [under] **pursuant to** subsection 1 of this section, or in lieu thereof, the prosecuting attorney of the county where the child care facility is located may file suit for a preliminary and permanent order overseeing or preventing the operation of a child care facility [for violating any provision of section 210.252] **and if a prosecutor has declined or fails to prosecute within thirty days of a request, the department may request that the attorney general seek an injunction to prevent the operation of the child care facility for violating any provision of sections 210.252 to 210.259.** The injunction shall remain in force until such a time as the court determines that the child care facility is in substantial compliance.

3. In cases of imminent bodily harm to children in the care of a child care facility, the department of health may apply to the circuit court of the county in which the child care facility is located for injunctive relief, which may include removing the children from the facility, overseeing the operation of the facility or closing the facility."; and

Further amend the title accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Howard raised the point of order that **SA 2** is out of order in that it goes beyond the title and scope of the bill.

President Pro Tem McKenna ruled the point of order well taken.

Senator Scott offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 1302, Page 1, Section 1, Line 1, by inserting immediately before said line the following:

"197.200. As used in sections 197.200 to 197.240, unless the context clearly indicates otherwise, the following terms mean:

(1) "Ambulatory surgical center", any public or private establishment operated primarily for the purpose of performing surgical procedures or primarily for the purpose of performing childbirths, and which does not provide services or other accommodations for patients to stay **within the establishment** more than twenty-three hours [within the establishment] **for surgical procedures, forty-eight hours following vaginal deliveries or ninety-six hours following caesarean sections**, provided, however, that nothing in this definition shall be construed to include the offices of dentists currently licensed pursuant to chapter 332, RSMo; **provided, further, that nothing in this subdivision shall be construed to authorize treatment for more than twenty-three consecutive hours in an ambulatory surgical center until the department of health has promulgated rules and regulations pursuant to chapter 536, RSMo, governing the delivery of extended care obstetrical services in ambulatory surgical centers. such regulations shall include, but not be limited to, standards for patient safety and security and facilities, programs and services to be provided in connection with the care of patients in ambulatory surgical centers.**

(2) "Dentist", any person currently licensed to practice dentistry pursuant to chapter 332, RSMo;

(3) "Department", the department of health;

(4) "Governmental unit", any city, county or other political subdivision of this state, or any department, division, board or other agency of any political subdivision of this state;

(5) "Person", any individual, firm, partnership, corporation, company, or association and the legal successors thereof;

(6) "Physician", any person currently licensed to practice medicine pursuant to chapter 334, RSMo;

(7) "Podiatrist", any person currently licensed to practice podiatry pursuant to chapter 330, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Goode raised the point of order that **SA 3** is out of order in that it goes beyond the scope and purpose of the bill.

President Pro Tem McKenna ruled the point of order well taken.

Senator House offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 1302, Page 5, Section 7.4, Line 29, by inserting after said line the following:

"5. This section shall not apply to administrative services only (ASO) contracts, or to third party administrators under contract to a self funded group only to administer benefits. Further, such section shall not be applicable to any insurer,

health service corporation, health maintenance organization, or third party administrator which has an agreement with a plan, provider, or insured party containing performance standards equal to or better than those provided herein and whose actual performance over the last twelve months, results in the payment of 90% of clean claims within 30 days of receipt.".

Senator House moved that the above amendment be adopted.

Senator Banks raised the point of order that **SA 4** is out of order in that the amendment goes beyond the scope and title of the original bill.

President Pro Tem McKenna ruled the point of order not well taken.

SA 4 was again taken up.

Senator House moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Kenney offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 1302, Page 1, In the Title, Line 2, by striking all of said line and inserting in lieu thereof the following:

"To repeal section 197.317, RSMo Supp. 1997, relating to certain health care providers, and to enact in lieu thereof eight new sections relating to the same subject."; and

Further amend said bill, Page 1, Section 1, Line 1, by inserting immediately before said line the following:

"Section A. Section 197.317, RSMo Supp. 1997, is repealed and eight new sections enacted in lieu thereof, to be known as sections 197.317, 1, 2, 3, 4, 5, 6 and 7, to read as follows:

197.317. After July 1, 1983, no certificate of need shall be issued for the following:

(1) Additional residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility beds above the number then licensed by this state;

(2) Beds in a licensed hospital to be reallocated on a temporary or permanent basis to nursing care or beds in a long-term care hospital meeting the requirements described in 42 C.F.R., section 412.23(e), excepting those which are not subject to a certificate of need pursuant to paragraphs (e) and (g) of subdivision (12) of section 197.305; nor

(3) The reallocation of intermediate care facility or skilled nursing facility beds of existing licensed beds by transfer or sale of licensed beds between a hospital licensed under this chapter or a nursing care facility licensed under chapter 198, RSMo; except for beds in counties in which there is no existing nursing care facility. No certificate of need shall be issued for the reallocation of existing residential care facility I or II, or intermediate care facilities operated exclusively for the mentally retarded to intermediate care or skilled nursing facilities or beds. However, after [July 1, 1999] **April 30, 2000**, nothing in this section shall prohibit the Missouri health facilities review committee from issuing a certificate of need for additional beds in existing health care facilities or for new beds in new health care facilities or for the reallocation of licensed beds, provided that no construction shall begin prior to July 1, 2000. The provisions of subsections 16 and 17 of section 197.315 shall apply to the provisions of this section.".

Senator Kenney moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that **SA 5** is out of order as it goes beyond the scope and subject matter of the bill.

President Pro Tem McKenna ruled the point of order well taken.

Senator Howard offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Bill No. 1302, Page 1, Section 1, Line 1, by inserting immediately before all of said line the following:

"354.535. 1. If a pharmacy, operated by or contracted with by a health maintenance organization, is closed or is unable to provide health care services to an enrollee in an emergency, a pharmacist may take an assignment of such enrollee's right to reimbursement, if the policy or contract provides for such reimbursement, for those goods or services provided to an enrollee of a health maintenance organization. No health maintenance organization shall refuse to pay the pharmacist any payment due the enrollee under the terms of the policy or contract.

2. No health maintenance organization, conducting business in the state of Missouri, shall contract with a pharmacy, pharmacy distributor or wholesale drug distributor, nonresident or otherwise, unless such pharmacy or distributor has been granted a permit or license from the Missouri board of pharmacy to operate in this state.

3. Every health maintenance organization shall apply the same coinsurance, copayment and deductible factors to all drug prescriptions filled by a pharmacy provider who participates in the health maintenance organization's network if the provider meets the contract's explicit product cost determination. If any such contract is rejected by any pharmacy provider, the health maintenance organization may offer other contracts necessary to comply with any network adequacy provisions of this act. However, nothing in this section shall be construed to prohibit the health maintenance organization from applying different coinsurance, copayment and deductible factors between generic and brand name drugs.

4. Health maintenance organizations shall not set a limit on the quantity of drugs which an enrollee may obtain at any one time with a prescription, unless such limit is applied uniformly to all pharmacy providers in the health maintenance organization's network.

5. Health maintenance organizations shall not insist or mandate any [provider] **physician or other licensed health care practitioner** to change an enrollee's maintenance drug unless the provider and enrollee agree to such change. For the purposes of this provision, a maintenance drug shall mean a drug prescribed by a practitioner who is licensed to prescribe drugs, used to treat a medical condition for a period greater than thirty days. Violations of this provision shall be subject to the penalties provided in section 354.444. Notwithstanding other provisions of law to the contrary, health maintenance organizations that change an enrollee's maintenance drug without the consent of the provider and enrollee shall be liable for any damages resulting from such change. **Nothing in this subsection, however, shall apply to the dispensing of generically equivalent products for prescribed brand name maintenance drugs as set forth in section 338.056, RSMo.**

[6. Notwithstanding any provision to the contrary under subsection 5 of this section, maintenance drugs as described in this section shall not include drugs which are classified as narrow therapeutic index drugs for which the United States Food and Drug Administration has approved a generic substitute.]; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Bill No. 1302, Page 5, Section 7, Line 29, by inserting the following at the end of said line:

"Section 8. All individual and group health insurance policies providing coverage on an expense incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed on or after August 28, 1998, shall provide coverage for administration of general anesthesia and hospital charges for dental care provided to the following covered persons:

- (1) A child under the age of five;**
- (2) A person who is severely disabled; or**
- (3) A person who has a medical or behavioral condition which requires hospitalization or general anesthesia when dental care is provided.**

2. Each plan as described in this section must provide coverage for administration of general anesthesia and hospital or office charges for treatment rendered by a dentist, regardless of whether the services are provided in a participating hospital or surgical center or office.

3. Nothing in this section shall prevent a health carrier from requiring prior authorization for hospitalization for dental care procedures in the same manner that prior authorization is required for hospitalization for other covered diseases or conditions.

4. Nothing in this section shall apply to accident-only, dental only plans or other specified disease, hospital indemnity, medicare supplement or long-term care policies, or short term major medical policies of 6 months or less in duration."; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Bill No. 1302, Page 5, Section 7, Line 29, by inserting after all of said line following:

"Section 8. Any health insurer, as defined in section 376.806, RSMo nonprofit health service plan or health maintenance organization shall reimburse a claim for services provided by an advance practice nurse, as defined in section 335.016, RSMo, if such services are within the scope of practice of such nurse."

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

Senator Jacob offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Bill No. 1302, Page 1, Section 1, Line 1, by inserting immediately before said line the following:

"196.280. For the purpose of sections 196.280 to 196.286, the following terms shall mean:

- (1) "Foodborne disease", illness acquired by the consumption of contaminated food;**

(2) "Immune globulin", a sterile solution of immunoglobulin intended for intramuscular administration as a means of preventing or modifying certain infectious diseases;

(3) "Retail food establishment", any establishment where food is prepared, served or sold to members of the general public for consumption by humans.

196.286. When it is determined that a public announcement shall be given and a public immune globulin clinic held to control the spread of a foodborne disease to employees and customers of a retail food establishment, the establishment shall reimburse the state and local health agency for the cost of the clinic, including the cost of immune globulin per dose and administrative costs per person. Such reimbursement shall not exceed one-half of the total cost of the clinic or a maximum of one thousand dollars, whichever is less. Funds reimbursed to the state shall be deposited in a separate account in the public health services fund created in section 192.900, RSMo. The retail food establishment shall be exempt from the cost of reimbursement when the department of health, in conjunction with the local health agency, has determined that the retail food establishment, prior to the incident requiring a public immune globulin clinic, effectively implemented and monitored a department of health approved program to assure the application of current knowledge of best food safety practices within the retail food establishment, and has implemented measures to insure that food handlers are not actively working while ill."; and

Further amend said bill, Page 5, Section 7, Line 29, by inserting immediately after all of said line the following:

"Section 8. The department of health and community health care providers may be responsible for the following:

(1) Establishing and promoting hepatitis C education programs as an integral part of its health promotion and disease prevention efforts in order to raise public awareness, educate consumers, and to educate and train health care professionals and human service providers;

(2) Identifying resources in the area of hepatitis C education, screening, treatment and strive to coordinate the efforts of existing organizations with new programs and with each other so as to maximize education and access to services.

Section 9. The department of health and community health care provider may use and coordinate the following strategies for raising public awareness of the causes and nature of hepatitis C, personal risk factors, the value of prevention and early detection, and options for diagnosing and treating the disease:

(1) An outreach campaign utilizing print, radio, and television public service announcements, advertisements, posters, and other materials;

(2) Community forums;

(3) Health information and risk factor assessment at public events;

(4) Targeting at-risk populations;

(5) Providing reliable information to policy makers;

(6) Distributing information through local health agencies, schools, employer wellness programs, physicians, hospitals, health maintenance organizations, prisons, sports leagues, nonprofit organizations, community-based organizations, and department of health offices;

(7) Identifying and obtaining educational materials, including brochures and videotapes, that translate accurately the latest scientific information on hepatitis C in easy-to-understand terms;

(8) Building a statewide capacity to provide information and referrals on all aspects of hepatitis C, including, but not limited to, educational materials, counseling, and patient support groups.

Section 10. The department of health and community health care providers shall use the strategies, protocols, and guidelines adopted by the National Institutes of Health on hepatitis C for educating physicians and health professionals and training providers on the most recent scientific and medical information on hepatitis C detection, diagnosis, treatment, and therapeutic decision-making. Specifically, the guidelines may include, but not be limited to the following:

- (1) Tracking and reporting of both acute and chronic cases of hepatitis C by public health officials;**
- (2) A cost-efficient plan to screen the prison population;**
- (3) Protocols within the department of corrections to enable that department to provide appropriate treatment to prisoners with hepatitis C;**
- (4) Protocols for the education of correctional officers and other correctional workers who work with prisoners with hepatitis C;**
- (5) Protocols for public safety and health care workers who come in contact with hepatitis C patients.";** and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Banks raised the point of order that **SA 9** is out of order in that it goes beyond the scope of the title of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 9 was again taken up.

Senator Jacob moved that the above amendment be adopted, which motion failed.

Senator Ehlmann offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Bill No. 1302, Page 3, Section 3, Lines 8-10, by striking all of said lines and inserting in lieu thereof the following: "**administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this section, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act.**".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Bill No. 1302, Page 5, Section 7, Line 29, by inserting after all of said line the following:

"5. A provider who is paid interest under this section shall pay the proportionate amount of said interest to the enrollee or insured to the extent and for the time period that the enrollee or insured had paid for the services and for which reimbursement was due to the insured or enrollee."; and

Amend Section 7, Page 4, line 18, by striking "and one-half".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Bill No. 1302, Section 7, Page 4, Line 18, by deleting the words "and one-half"; and further amend said bill and section, page 5, line 29, by deleting the words "and one-half"; and further amend said bill and section, page 5, line 29, by inserting after said line the following:

"6. This section shall become effective April 1, 1999."

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Banks moved that **SCS** for **HB 1302**, as amended, be adopted, which motion prevailed.

On motion of Senator Banks, **SCS** for **HB 1302**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
House	Jacob--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

At the request of Senator McKenna, **HB 1627** was placed on the Informal Calendar.

At the request of Senator McKenna, **HB 1834** was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Wiggins moved that the Senate conferees on **HB 1301**, with **SCA 1**, be allowed to exceed the differences, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 1240, introduced by Representative Parker, entitled:

An Act to repeal section 311.554, RSMo 1994, relating to Missouri wine, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up by Senator Lybyer.

On motion of Senator Lybyer, **HB 1240** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

NAYS--Senator Caskey--1

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Johnson assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HB 1167**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 1167**, with **SCS**, entitled:

An Act relating to assaults in correctional institutions.

Was taken up by Senator Staples.

SCS for **HCS** for **HB 1167**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1167

An Act to repeal section 211.156, RSMo 1994, relating to the care and detention of certain persons, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Staples moved that **SCS** for **HCS** for **HB 1167** be adopted.

Senator Staples offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1167, Page 2, Section 211.156, Line 25, by inserting immediately after said line the following:

"217.287. 1. Contracts for collect call telephone services for correctional institutions of the department of corrections shall be awarded to the lowest and the best bidder over the life of the contract, based on call costs to called parties.

2. The division of purchasing of the office of administration may renegotiate any existing contracts for collect call telephone service for correctional institutions of the department of corrections to reduce call costs to called parties."; and

Further amend the title and enacting clause accordingly.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1167, Page 1, Section 211.156, Lines 10 and 11, by deleting all after the word "appropriations" and all of line 11 through the word "year", and on page 2, by deleting the same words on lines 24 and 25.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1167, Page 2, Section 1, Line 8, by striking "three years" and inserting in lieu thereof the following: **"one year"**.

Senator Clay moved that the above amendment be adopted.

Senator Lybyer offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1167, Page 2, Section 1, Line 10, by inserting after said line the following:

"3. Any offender, when placed under the custody of the department of corrections and every offender upon the effective date of this act shall be informed of the provisions of this section."

Senator Lybyer moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SSA 1** for **SA 3** is out of order in that it is not a true substitute amendment.

President Pro Tem McKenna ruled the point of order well taken.

SA 3 was again taken up.

Senator Jacob offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1167, Page 2, Section 1, Line 10, by inserting after said line the following:

"3. This section shall only impose a penalty in the case of physical assaults."

Senator Jacob moved that the above amendment be adopted, which motion failed.

SA 3 was again taken up.

Senator Clay moved that the above amendment be adopted, which motion failed.

Senator Lybyer offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1167, Page 2, Section 1, Line 10, by inserting after said line the following:

"3. Any offender, when placed under the custody of the department of corrections and every offender upon the effective date of this act shall be informed of the provisions of this section."

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Graves offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1167, Page 2, Section 1, Line 10, by inserting after all of said line the following:

"Section 2. In any telephone call made by a person in the custody of the department of corrections, a recording shall state the origin of the call at least once every four minutes."; and

Further amend the title and enacting clause accordingly.

Senator Graves moved that the above amendment be adopted, which motion prevailed.

Senator Graves offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1167, Page 2, Section 1, Line 10, by inserting after said line the following:

"Section 2. The Department of Corrections shall conduct random tests of at least five percent of all offenders within its correctional facilities to check for the presence of illegal controlled substances. The tests shall be conducted twice per year."; and

Further amend the title and enacting clause.

Senator Graves moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Ehlmann, Yeckel and Singleton.

SA 6 failed of adoption by the following vote:

	YEAS--Senators		
Caskey	Childers	Ehlmann	Graves
House	Kenney	Kinder	Klarich
Russell	Schneider	Sims	Westfall
Yeckel--13			
	NAYS--Senators		
Bentley	Clay	Curls	DePasco
Goode	Howard	Jacob	Johnson
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Scott
Singleton	Staples	Wiggins--19	
	Absent--Senators		
Banks	Flotron--2		
	Absent with leave--Senators--None		

Senators Kenney and Graves offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1167, Page 2, Section 1, Line 10, by inserting immediately after said line, the following:

"Section 2. 1. Offenders who have two previous remands to the department of corrections for felonies unrelated to the present felony offense or who refuse to participate in work or educational programs required by the department of corrections shall be employed at such labor, in such places and under such regulations within the state as may be determined by the department, subject to other provisions of law. The department is expressly authorized to establish posts, camps, stations or work crews in conjunction with labor, discipline or rehabilitation programs.

2. The department is further authorized to require offenders described in subsection 1 of this section to participate in programs designed to improve their physical, mental or psychological well-being, or programs designed to instill discipline and a sense of responsibility.

3. The department is authorized to adopt rules and regulations, to enter into contracts and to take any other action necessary to implement the programs outlined in this section. Rules and regulations shall be adopted as

required under section 536.024, RSMo.

4. The department shall take all reasonable steps to protect the public from offenders in work programs, and in no case shall an offender convicted of first degree murder, as defined in section 565.020, RSMo, first degree assault, as defined in section 565.050, RSMo, forcible rape, as defined in section 566.030, RSMo, or forcible sodomy, as defined in section 566.060, RSMo, be placed in a work program under this section.

5. Offenders participating in work programs under this section shall wear distinctive, colored uniforms and may be required to wear shackles and chains.

6. No offender shall have a legal cause of action because he is required to participate in a work program authorized under this section, and no offender assigned to such a program shall be considered an employee of the state, any city or county, or any public, private or charitable entity for the purpose of determining benefits for work performed, nor shall the services performed by the offender be deemed employment within the meaning of the provisions of chapter 287 or chapter 288, RSMo.

7. No work programs authorized by this section shall result in the displacement of civilian workers employed in the state."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator Klarich requested a roll call vote be taken on the adoption of **SA 7** and was joined in his request by Senators Childers, Graves, Kenney and Singleton.

At the request of Senator Staples, **HCS** for **HB 1167**, with **SCS** and **SA 7** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has made a change in the conferees on **HCS** for **HB 1189**, as amended, to be as follows: Representatives: Liese, Johnson, Copeland, Hartzler (123) and Burton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SB 743**, entitled:

An Act to repeal sections 44.010, 44.020, 44.022, 44.024, 44.028, 44.032, 44.080, 44.090, 44.100, 44.110, 44.112, 44.113, 190.005, 190.010, 190.015, 190.043, 190.055, 190.060, 190.073, 190.093, 190.095, 190.100, 190.105, 190.110, 190.115, 190.120, 190.125, 190.130, 190.135, 190.140, 190.141, 190.150, 190.155, 190.160, 190.165, 190.171, 190.175, 190.180, 190.190, 190.235, 190.237, 190.239, 190.241, 190.243, 190.245 and 190.247, RSMo 1994, and section 190.145 as both versions appear in RSMo Supp. 1997, and sections 190.185 and 537.035, RSMo Supp. 1997, relating to emergency management, and to enact in lieu thereof fifty-five new sections relating to the same subject, with an emergency clause for certain sections.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Bill No. 743, Page 1, In the Title, Line 16, by deleting the word "fifty-five" and inserting in lieu thereof the word "fifty-six"; and

Further amend said bill, Page 2, Section A, Line 4, by deleting the word "fifty" and inserting in lieu thereof the word "fifty-one"; and

Further amend said bill, Page 2, Section A, Line 5, by inserting after the word "sections" the figure "37.250,"; and

Further amend said bill, Page 2, Section A, Line 12, by inserting after all of said line the following:

"37.250. 1. The general assembly declares it is the public policy of this state to determine the most cost effective systems to provide ubiquitous coverage of the state transparent communications between all members of all using agencies, and the necessary E911 capability to provide assured emergency response, and to reduce the response time for emergency or disastrous situations.

2. There is hereby created a committee on state operated wireless communication systems to be composed of:

(1) The commissioner of administration or a designee;

(2) The director of the department of public safety or a designee;

(3) The director of the department of conservation or a designee; and

(4) The chief engineer of the department of transportation or a designee.

3. The committee shall examine existing programs and proposals for development or expansion to identify duplication in resource allocation of wireless communication systems. The committee shall submit a report to the general assembly by August 30, 1998, in which it identifies opportunities for cost savings, increased efficiency and improved services for Missouri's citizens. The committee shall review the state's purchasing law and may recommend such changes to chapter 34, RSMo, as it deems appropriate to maintain and enhance the state's wireless communication system. The committee may make such other recommendations as it deems appropriate and shall identify the costs associated with each such recommendation."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SB 809** and has again taken up and passed **CCS No. 2** for **HCS** for **SB 809**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 827**, as amended.

Representatives: Rizzo, Scheve, Bray, Vogel and Cooper.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SBs 614, 696, 906, 530, 912** and **914**, entitled:

An Act to repeal sections 57.130, 138.430, 196.790, 211.331, 213.111, 320.121, 426.220, 426.230, 451.100, 476.682, 477.087, 478.265, 478.266, 478.267, 487.090, 491.060, 528.620, 534.070, 534.350, 534.360 and 535.110, RSMo 1994, and sections 56.765, 57.280, 57.290, 105.464, 211.447, 478.464, 479.500, 487.020, 487.030, 488.012, 488.015, 506.363, 506.369, 506.372, 506.375, 506.390, 514.040, 534.090, 534.380 and 535.030, RSMo Supp. 1997, and to enact

in lieu thereof forty-six new sections relating to the judiciary, with an expiration date for a certain section.

With House Amendments Nos. 1 and 2; House Substitute Amendment No. 1 for House Amendment No. 3; and House Amendments Nos. 4, 5, 6, 8 and 9.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 614, 696, 906, 530, 912 and 914, Page 1, In the Title, Line 3 of said page, by deleting the number "320.121,"; and

Further amend said bill, Page 1, In the Title, Line 12 of said page, by deleting the word "forty-six" and inserting in lieu thereof the word "forty-five"; and

Further amend said bill, Page 1, Section A, Line 18 of said page, by deleting the number "320.121,"; and

Further amend said bill, Page 2, Section A, Line 4 of said page, by deleting the word "forty-six" and inserting in lieu thereof the word "forty-five"; and

Further amend said bill, Page 2, Section A, Line 6 of said page, by deleting the number "320.121,"; and

Further amend said bill, Pages 28 and 29, Section 320.121, by deleting all of said section.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 614, 696, 906, 530, 912 and 914, Page 7, Section 57.280, by deleting the word "**or**" from Line 1; and deleting all of Line 2 and inserting in lieu thereof the word "**and**".

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 614, 696, 906, 530, 912 and 914, Page 28, Section 213.111, Line 9, by deleting the word "Such" and inserting in lieu thereof the following: "**If the employer party to the action employs twenty or more persons, such**".

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 614, 696, 906, 530, 912 and 914, Page 1, In the Title, Line 3, by inserting after the number "426.230," the following: "441.500, 441.410, 441.530, 441.550, 441.570, 441.580, 441.590, 441.610, 441.620, 441.630, 441.640, 441.641,"; and

Further amend said bill, Page 1, In the Title, Line 7, by inserting after the number "57.290," the number "82.1025,"; and

Further amend said bill, Page 1, In the Title, Line 8, by inserting after the number "211.447," the number "441.520,"; and

Further amend said bill, Page 1, In the Title, Line 12, by deleting the word "forty-six" and inserting in lieu thereof the word "fifty-nine"; and

Further amend said bill, Page 1, Section A, Line 18, by inserting after the number "426.230," the following: "441.500, 441.510, 441.530, 441.550, 441.570, 441.580, 441.590, 441.610, 441.620, 441.630, 441.640, 441.641,"; and

Further amend said bill, Page 2, Section A, Line 1, by inserting after the number "57.290," the number "82.1025," and further amend said line by inserting after the number "211.447," the number "441.520,"; and

Further amend said bill, Page 2, Section A, Line 4, by deleting the word "forty-six" and inserting in lieu thereof the word "fifty-nine"; and

Further amend said bill, Page 2, Section A, Line 5, by inserting after the number "57.290," the number 82.1025,"; and

Further amend said bill, Page 2, Section A, Line 7, by inserting after the number "426.230," the following: "441.500, 441.510, 441.520, 441.530, 441.550, 441.570, 441.580, 441.590, 441.610, 441.630, 441.641, 441.643,"; and

Further amend said bill, Page 15, Section 57.290, Line 5, by inserting after all of said line the following:

"82.1025. In **any county of the first classification**, in any city not within a county and in any city with at least three hundred fifty thousand inhabitants which is located in more than one county, a parcel of property is a nuisance, if such property adversely affects the property values of a neighborhood because the owner of such property allows the property to be in a deteriorated condition, due to neglect, **violation of a county or municipal building code or standard**, abandonment, failure to repair after a fire, flood or some other damage to the property or because the owner or resident of the property allows clutter on the property such as abandoned automobiles, appliances or similar objects. Any property owner, who owns property within a reasonable distance to a parcel of property which is alleged to be a nuisance may bring a nuisance action against the offending property owner for the amount of damage created by such property to the value of the petitioner's property, within the jurisdictional limits, **and court costs** in small claims court, provided that the owner of the property which is alleged to be a nuisance has received notification of the alleged nuisance and has had a reasonable opportunity, not to exceed forty-five days, to correct the alleged nuisance. This section is not intended to abrogate, and shall not be construed as abrogating, any remedy available under the common law of private nuisance."; and

Further amend said bill, Page 30, Section 426.230, Line 20, by inserting after all of said line the following:

"441.500. As used in sections 441.500 to [441.640] **441.643**, the following terms mean:

(1) **"Abatement", the removal or correction, including demolition, of any condition at a property that violates the provisions of any duly enacted building or housing code, as well as the making of such other improvements or corrections as are needed to effect the rehabilitation of the property or structure, including the closing or physical securing of the structure;**

(2) **"Agent"**, a person authorized by an owner to act for him;

[(2)] (3) **"Code enforcement agency"**, the official, agency, or board that has been delegated the responsibility for enforcing the housing code by the governing body;

[(3)] (4) **"Community"**, any "county" or "municipality";

[(4)] (5) **"County"**, any county in the state;

[(5)] (6) **"Dwelling unit"**, premises or part thereof occupied, used, or held out for use and occupancy as a place of abode for human beings, whether occupied or vacant;

[(6)] (7) **"Governing body"**, the board, body or persons in which the powers of a community are vested;

[(7)] (8) **"Housing code"**, a local building, fire, health, property maintenance, nuisance or other ordinance which contains standards regulating the condition or maintenance of residential buildings;

(9) **"Local housing corporation"**, a not for profit corporation organized pursuant to the laws of the state of Missouri for the purpose of promoting housing development and conservation within a specified area of a municipality or an unincorporated area;

[(8)] (10) **"Municipality"**, any incorporated city, town, or village;

[(9)] (11) **"Notice of deficiency"**, a notice or other order issued by the code enforcement agency and requiring the elimination or removal of deficiencies found to exist under the housing code;

[(10)] **(12)** "Nuisance", a violation of provisions of the housing code applying to the maintenance of the [building or dwelling unit which if not promptly corrected will constitute a fire hazard or a substantial threat to the life, health or safety of occupants thereof or to the public] **buildings or dwellings which the code official in the exercise of reasonable discretion believes constitutes a threat to the public health, safety or welfare;**

[(11)] **(13)** "Occupant", any person occupying a dwelling unit as his **or her** place of "residence", whether or not that person is occupying the dwelling unit as a tenant from month to month or under a written lease, undertaking or other agreement;

[(12)]**(14)** "Owner", the record owner or owners, and the beneficial owner or owners when other than the record owner, of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, personal representative, trustee, lessee, agent, or any other person in control of a dwelling unit;

[(13)] **(15)** "Person", any individual, corporation, association, partnership, or other entity.

[441.510. A civil action may be maintained under the provisions of sections 441.500 to 441.640 in the circuit court for the circuit where the property is located by the following persons or entities on the ground that a nuisance exists with respect to the dwelling unit or the building or premises of which the dwelling unit is a part:

(1) The municipality acting through the code enforcement agency;

(2) Occupants of one-third or more of the dwelling units within a building with respect to that building;

(3) Any not for profit organization validly organized pursuant to law and whose purpose includes the provision or enhancement of housing opportunities in its community; or

(4) Any owner or tenant of real property within twelve hundred feet in any direction of the property in question who shows that his property or person is substantially affected by the alleged nuisance. An owner or tenant need not prove any specific, special or unique damages to himself or his property or any adverse effect upon his property from the alleged nuisance in order to maintain a civil action pursuant to the provisions of sections 441.500 to 441.640.]

441.510. 1. If any building or dwelling is found to be in violation of building or housing codes which a party with standing to sue pursuant to subsection 8 of this section, the county or municipality in the exercise of reasonable discretion believes constitutes a threat to the public health, safety or welfare, the party with standing to sue pursuant to subsection 8 of this section, the county or municipality, in addition to any other remedies available to it, may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement.

2. At least sixty days prior to the filing of an application for appointment of a receiver pursuant to sections 441.500 to 441.643, the party with standing to sue pursuant to subsection 8 of this section, the county or municipality shall give written notice by regular mail to all interested parties of its intent to file the application and information relative to:

(1) The identity of the property;

(2) The violations of the building or housing codes giving rise to the application for the receiver;

(3) The name, address and telephone number of the person or department where additional information can be obtained concerning violations and their remedy; and

(4) The party with standing to sue pursuant to subsection 8 of this section, the county or municipality which may seek the appointment of a receiver pursuant to sections 441.500 to 441.643 unless action is taken within sixty days by an interested party.

3. A party with standing to sue pursuant to subsection 8 of this section, a county or municipality may not apply for the appointment of a receiver pursuant to sections 441.500 to 441.643 if an interested party has commenced

and is then prosecuting in a timely fashion an action or other judicial or nonjudicial proceeding to foreclose a security interest on the property, or to obtain specific performance of a land sale contract, or to forfeit a purchaser's interest under a land sale contract.

4. Notice of the application for the appointment of a receiver shall be served on all interested parties.

5. If, following the application for appointment of a receiver, one or more of the interested parties elects to correct the conditions at the property giving rise to the party with standing to sue pursuant to subsection 8 of this section, the county or municipality's application for the appointment of a receiver, the party or parties shall be required to post security in an amount and character as the court deems appropriate to ensure timely performance of all work necessary to make corrections, as well as such other conditions as the court deems appropriate to effect the timely completion of the corrections by the interested party or parties.

6. In the event that no interested party elects to act pursuant to subsection 5 of this section or fails to timely perform work undertaken pursuant to subsection 5 of this section, the court shall make a determination that the property is in an unsafe or insanitary condition and appoint a receiver to complete the abatement.

7. A receiver appointed by the court pursuant to sections 441.500 to 441.643 shall not be required to give security or bond of any sort prior to appointment.

8. Notwithstanding the provisions of subsections 1 to 7 of this section, a civil action may be maintained pursuant to the provisions of sections 441.500 to 441.640 in the circuit court for the circuit where the property is located by the following persons or entities on the ground that a nuisance exists with respect to the dwelling unit or the building or premises of which the dwelling unit is a part:

(1) Occupants of one-third or more of the dwelling units within a building with respect to that building; or

(2) Any owner or tenant of real property within twelve hundred feet in any direction of the property in question who shows that his or her property or person is substantially affected by the alleged nuisance. An owner or tenant need not prove any specific, special or unique damage to himself or herself or his or her property or any adverse effect upon his or her property from the alleged nuisance in order to maintain a civil action pursuant to the provisions of sections 441.500 to 441.640.

441.520. 1. The action to appoint a receiver authorized by section 441.510 shall be commenced by the filing of a verified petition by the party with standing to sue pursuant to subsection 8 of section 441.510, the county or municipality.

2. There shall be named as defendants:

(1) The last owner of record of the dwelling as of the date of the filing of the petition; and

(2) The last holder of record of any mortgage, deed of trust, or other lien of record against the building as of the date of the filing of the petition.

3. Any owner of the dwelling who is not a party defendant may be permitted by the court to join as a party defendant.

4. (1) Any owner, whether or not a citizen or resident of this state, who in person or through agent, owns, uses, or is possessed of any real estate situated in this state thereby subjects himself or itself to the jurisdiction of the courts of this state as to any cause of action arising [under] pursuant to the provisions of sections 441.500 to [441.640] 441.643. Personal service of process shall be made in accordance with the rules of civil procedure; provided that, if such service cannot with due diligence be made, service of process may be made by personally serving process upon the defendant outside this state, or by service in accordance with the rules of civil procedure as in all cases affecting a res within the jurisdiction of the court.

(2) If a landlord of residential property is not a resident of this state or is a corporation, he must designate an agent upon

whom service of process may be made in this state. The agent shall be a resident of this state or a corporation authorized to transact business in this state. The designation shall be in writing and include the address and the name of the registered agent and shall be filed in the office of the secretary of state. If no designation is made and filed or if process cannot be served in this state upon the designated agent, process may be served upon the secretary of state, but service upon him is not effective unless the petitioner forthwith mails a copy of the process and pleading by certified mail to the defendant or respondent at the address stated on the assessor's records for the subject property. An affidavit of compliance with this section shall be filed with the clerk of the court.

5. Any action brought [under] **pursuant to** the provisions of sections 441.500 to [441.640] **441.643** shall be expedited by the court and may be given precedence over other suits.

441.530. The [petition] **application** shall state:

- (1) The facts constituting a nuisance with respect to the dwelling unit, building or premises of which the dwelling unit is a part[.];
- (2) That violations of the housing code exist as determined by a notice of deficiency[.];
- (3) That the owner of said property has failed, within a reasonable time, to undertake to remove said nuisance[.];
- (4) If the action is brought by occupants, the number of dwelling units occupied by plaintiffs and the number of dwelling units in the building[.]; and
- (5) The relief sought as authorized by sections 441.570 and 441.590.

441.550. In any [civil action brought under the provisions of sections 441.500 to 441.640, the plaintiff] **application for receivership brought pursuant to sections 441.500 to 441.643, the party with standing to sue pursuant to subsection 8 of section 441.510, the county or municipality** shall file for record, with the recorder of deeds of the county in which any such real estate is situated, a written notice of the pendency of the suit pursuant to the requirements of section 527.260, RSMo. From the time of filing such notice the pendency of suit shall be constructive notice to persons thereafter acquiring an interest in the building.

441.570. The court may, after hearing and finding the dwelling unit or building constitutes a nuisance,

- (1) **Appoint a receiver and** direct that present and future rents due from one or more occupants be [deposited] **paid** by the occupant or occupants with [the clerk of the court] **such receiver** as such rents fall due, or
- (2) Allow the owner a reasonable time to correct the deficiencies.

Any rents [deposited under] **paid pursuant to** the provisions of this section shall be [held by the court until the deficiencies noted in the building have been remedied, and shall not accrue interest during the time they are so held] **applied to the costs incurred due to the abatement and receivership**. Upon the completion of the work required to abate the nuisance, any remaining surplus after authorized disbursements and payments of cost shall be forwarded to the owner, together with a complete accounting of the rents [deposited] **paid** and the costs incurred.

441.580. Upon the entry of an order directing the [deposit] **payment** of rents [or payment] pursuant to section 441.570, [the deposit of the rents with the clerk of the court] **such payment** in accordance with the terms of the order shall be a valid defense to any action or proceeding brought by an owner against any tenant to recover possession of real property for the nonpayment of rent due and payable after the date of issuance of the order.

441.590. 1. The court may, in any order entered pursuant to section 441.570:

- (1) Authorize the [owner] **receiver** to draw upon the rents deposited in court to pay for the cost of necessary repairs upon presentment to the court of the original copy of any invoice for work performed or materials purchased;

(2) Appoint the code enforcement agency, [the owner,] the mortgagee or other lienor of record, **a local housing corporation established to promote housing development and conservation in the area in which such property that is the subject of receivership is located**, a licensed attorney or real estate broker, or any other qualified person, as a receiver [to administer, subject to the court's direction, the rent moneys deposited and to be deposited with the clerk, or if the court so orders, to be collected directly by the receiver from the occupants of the building;] provided, however, that all lienholders of record shall be given the right of first refusal to serve as receiver in the order in which their lien appears of record. **In the event of the refusal of all lienholders of record to serve as receiver or in the absence of any lienholders of record, the local housing corporation that is established to promote housing development and conservation in the area in which such property that is the subject of receivership is located, if any, shall be given the right of first refusal to serve as receiver for any residential property consisting of four units or less; or**

(3) Where the building is vacant, appoint the code enforcement agency, [the owner,] the mortgagee or other lienor of record, **a local housing corporation established to promote development and conservation in the area in which such property that is the subject of receivership is located**, a licensed attorney or real estate broker, or any other qualified person, as a receiver to remove all of the housing code violations which constitute a nuisance as found by the court, except that all lienholders of record shall be given the right of first refusal to serve as receiver in the order in which their liens appear of record. **In the event of the refusal of all lienholders of record to serve as receiver or in the absence of any lienholders of record, the local housing corporation that is established to promote development and conservation in the area in which such property that is the subject of receivership is located, if any, shall be given the right of first refusal to serve as receiver for any residential property consisting of four units or less.**

2. The court may allow a receiver[, other than the owner,] reasonable and necessary expenses, payable from the rent moneys.

3. No receiver appointed shall serve without bond. The amount and form of such bond shall be approved by the court and the cost of such bond shall be paid from the moneys so deposited.

4. The receiver may, on order of the court, take possession of the property, collect all rents and profits accruing from the property, and pay all costs of management, including all insurance premiums and all general and special real estate taxes or assessments.

5. The receiver shall with all reasonable speed remove all of the housing code violations which constitute a nuisance as found by the court, and may make other improvements to effect a rehabilitation of the property in such fashion as is consistent with maintaining safe and habitable conditions over the remaining useful life of the property. The receiver shall have the power to let contracts therefor, in accordance with the provisions of local laws, ordinances, rules and regulations applicable to contracts.

6. The receiver may with the approval of the circuit court borrow money against, and encumber, the property as security therefor in such amounts as may be necessary to carry out his **or her** responsibilities [under] **pursuant to** sections 441.500 to [441.640] **441.643**. The circuit court may authorize the receiver to issue receiver's certificates as security against such borrowings, which certificates shall be authorized investments for banks and savings and loan associations, and shall constitute a first lien upon the property and its income and shall be superior to any claims of the receiver and to all prior or subsequent liens and encumbrances except taxes and assessments, and shall be enforceable as provided in subsection 8 of this section.

7. In addition to issuance of receiver certificates, the receiver may pledge the rentals from the property and borrow or encumber the property on the strength of the rental income.

8. Any receiver appointed [under] **pursuant to** the provisions of sections 441.500 to [441.640] **441.643** shall have a lien, for the expenses necessarily incurred in the execution of an order, upon the rents receivable from the premises on or in respect of which the work required by such order has been done or expenses incurred, and this lien shall have priority over all other liens and encumbrances of record upon the rents receivable from the premises, except taxes, assessments, receiver's certificates, and mortgages recorded prior to October 13, 1969.

9. For the purposes of this section, "local housing corporation" shall mean only those local housing corporations established prior to April 28, 1999.

441.610. Any provision of a lease or other agreement whereby any provision of sections 441.500 to [441.640] **441.643** for the benefit of an occupant of a dwelling unit or units is waived or denied shall be deemed against public policy and shall be void.

[441.620. 1. Whenever an occupant of a dwelling unit shall, with respect to the occupied premises or the property of which such premises are a part, file a petition authorized by section 441.510, no action or proceeding to recover possession of such premises shall be maintainable by the owner against such occupant, nor shall the owner, by rent increase or otherwise cause such occupant involuntarily to quit such premises, or decrease services to which the occupant is entitled, for a period of one year from the date of the filing of such petition, notwithstanding that the occupant has no lease or that his lease has expired, except with the approval of the court, so long as the occupant continues to pay the owner, the owner's agent, or a court pursuant to a court order, the rent to which the owner is entitled at the time the petition is filed; provided, however, that the owner may recover possession of such premises if

(1) The occupant is then violating an obligation of a written lease which was executed prior to the date of the filing of the petition, or is using the leased premises for an immoral or illegal purpose or for other than living or dwelling purposes; or

(2) The owner seeks in good faith to recover possession of the property for his immediate and personal use and occupancy as a dwelling; or

(3) The owner seeks in good faith to recover possession for the immediate purpose of demolishing the property; or

(4) The dwelling unit and the property of which the dwelling unit is a part were, on the date of the filing of such petition, in full compliance with the housing code of the community; or

(5) Such complaint, notice, request or petition relates only to a condition or conditions occasioned by an act or omission of such occupant or members of his family, or an invitee or assignee thereof, beyond those acts or omissions constituting ordinary wear and tear.

2. Any person from whom possession has been recovered in violation of this section shall be entitled to recover twice the amount of rent for the period for which he was wrongfully dispossessed or twice the damages sustained by him, whichever is greater, and the cost of suit, including a reasonable attorney's fee.]

441.630. Every occupant of a dwelling unit under the provisions of sections 441.500 to [441.640] **441.643** shall be responsible to pay all rents due [the owner] from him **or her** when such rents become due and to exercise reasonable care

(1) To dispose of all rubbish and garbage in his **or her** dwelling unit, and other organic waste which might provide food for rodents, in a clean and sanitary manner;

(2) To refrain from unreasonable use of electrical, heating, and plumbing fixtures;

(3) To meet all obligations lawfully imposed upon the occupants of dwelling units by the code enforcement agency or the community;

(4) To refrain from willfully or wantonly destroying, defacing, damaging, impairing or removing any part of the structure or dwelling unit or the facilities, equipment, or appurtenances thereof, and to prohibit any other person on the premises with his **or her** permission from doing likewise; and

(5) Shall not under any circumstances take in additional occupants, sublease, rent or turn over said premises to any persons without the owner's knowledge and consent.

[441.640. The provisions of this law shall not be applicable to one-family buildings if the owner thereof resides therein.]

441.641. If the court appoints a receiver to abate a nuisance [in dwelling units] pursuant to sections 441.500 to [441.640] **441.643**, and the holder of title to the property or any other party in interest does not take action to regain possession of the property within [ten] **two** years of the appointment of the receiver, the court may, for good cause shown, issue a judicial deed transferring title to the property to the receiver, or to any not for profit corporation organized pursuant to law.

441.643. In the event the court finds that the facts alleged in the petition filed pursuant to section 441.530 are unfounded and that the petition was filed frivolously and in bad faith, the petitioner shall be responsible for the reasonable attorney's fees attributable to the defense of said petition."

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 614, 696, 906, 530, 912 and 914, Page 31, Section 451.100, Line 3 of said page, by deleting the period "." and inserting in lieu thereof the following: **"; provided that a municipal judge shall not solemnize any marriage until the judge shall complete a course of instruction which may be affected by the Missouri Municipal and Associate Circuit Judges Association or any Continuing Legal Education Program approved by the Missouri Bar Association relating to the laws governing marriage in this state and the requirements to validly enter into and solemnize a marriage."**

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 614, 696, 906, 530, 912 and 914, Page 15, Section 105.464, Line 18, by striking all of said line and inserting in lieu thereof the following:

"person may receive a direct, or indirect as defined by the canons of judicial conduct, financial gain from any".

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 614, 696, 906, 530, 912 and 914, Page 1, In the Title, Line 5 of said page, by inserting immediately after the number "491.060," the following: **"494.425,"**; and

Further amend said bill, Page 1, In the Title, Line 12 of said page, by deleting the word "forty-six" and inserting in lieu thereof the word "forty-seven"; and

Further amend said bill, Page 1, Section A, Line 19 of said page, by inserting immediately after the number "491.060," the following: **"494.425,"**; and

Further amend said bill, Page 2, Section A, Line 4 of said page, by deleting the word "forty-six" and inserting in lieu thereof the word "forty-seven"; and

Further amend said bill, Page 2, Section A, Line 9 of said page, by inserting immediately after the number "491.060," the numbers **"494.425,"**; and

Further amend said bill, Page 59, Section 491.060, Line 20 of said page, by inserting after all of said line the following:

"494.425. The following persons shall be disqualified from serving as a petit or grand juror:

(1) Any person who is less than [twenty-one] **eighteen** years of age;

(2) Any person not a citizen of the United States;

- (3) Any person not a resident of the county or city not within a county served by the court issuing the summons;
- (4) Any person who has been convicted of a felony, unless such person has been restored to [his] **such person's** civil rights;
- (5) Any person unable to read, speak and understand the English language;
- (6) Any person on active duty in the armed forces of the United States or any member of the organized militia on active duty under order of the governor;
- (7) Any licensed attorney at law;
- (8) Any judge of a court of record;
- (9) Any person who, in the judgment of the court or the board of jury commissioners, is incapable of performing the duties of a juror because of mental or physical illness or infirmity."

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 614, 696, 906, 530, 912 and 914, Page 19, Section 196.790, Line 9, by inserting after said line all of the following:

"Section A. Section 211.031, RSMo 1994, is repealed and one new section is enacted in lieu thereof, to be known as section 211.031, to read as follows:

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family court in the circuits that have a family court as provided in sections 487.010 to 487.190, RSMo, shall have exclusive original jurisdiction in proceedings:

(1) Involving any child or person seventeen years of age who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The parents, or other persons legally responsible for the care and support of the child or person seventeen years of age, neglect or refuse to provide proper support, education which is required by law, medical, surgical or other necessary for his **or her** well-being; except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child or person seventeen years of age shall not be construed as neglect when the treatment is recognized or permitted under the laws of this state;

(b) The child or person seventeen years of age is otherwise without proper care, custody or support; or

(c) The child or person seventeen years of age was living in a room, building or other structure at the time such dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130, RSMo;

(2) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:

(a) The child while subject to compulsory school attendance is repeatedly and without justification absent from school; or

(b) The child disobeys the reasonable and lawful directions of his **or her** parents or other custodian and is beyond their control; or

(c) The child is habitually absent from his **or her** home without sufficient cause, permission, or justification; or

(d) The behavior or associations of the child are otherwise injurious to his welfare or to the welfare of others; or

(e) The child is charged with an offense not classified as criminal, or with an offense applicable only to children; except that, the juvenile court shall not have jurisdiction over any child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, **or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;**

(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, **or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;**

(4) For the adoption of a person;

(5) For the commitment of a child or person seventeen years of age to the guardianship of the department of social services as provided by law.

2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person seventeen years of age who resides in a county of this state shall be made as follows:

(1) Prior to the filing of a petition and upon request of any party or at the discretion of the juvenile officer, the matter in the interest of a child or person seventeen years of age may be transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving court, to the county of the child's receiving court, to the county of the child's residence or the residence of the person seventeen years of age for future action;

(2) Upon the motion of any party or on its own motion prior to final disposition on the pending matter, the court in which a proceeding is commenced may transfer the proceeding of a child or person seventeen years of age to the court located in the county of the child's residence or the residence of the person seventeen years of age, or the county in which the offense under subdivision (3) of subsection 1 of this section is alleged to have occurred for further action.

(3) Upon motion of any party or on its own motion, the court in which jurisdiction has been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction of a child or person seventeen years of age to the court located in the county of the child's residence or the residence of the person seventeen years of age for further action with the prior consent of the receiving court;

(4) Upon motion of any party or upon its own motion at any time following a judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause may place the child or person seventeen years of age under the supervision of another juvenile court within or without the state pursuant to section 210.570, RSMo, with the consent of the receiving court;

(5) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or person seventeen years of age, certified copies of all legal and social documents and records pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the transfer.

3. In any proceeding involving any child or person seventeen years of age taken into custody in a county other than the county of the child's residence or the residence of a person seventeen years of age shall be notified of such taking into custody within seventy-two hours."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HS No. 2** for **HCS** for **SB 680**, entitled:

An Act to repeal sections 347.163, 351.025, 351.165, 351.210, 351.327, 351.596, 354.065 and 359.021, RSMo 1994, and sections 351.017, 351.180, 351.245 and 358.510, RSMo Supp. 1997, relating to business organizations, and to enact in lieu thereof fifteen new sections relating to the same subject.

With House Amendments Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Substitute No. 2 for House Committee Substitute for Senate Bill No. 680, Page 20, Section 351.448, Line 22, by inserting immediately after the word "**corporation**" the words "**but solely in connection with a holding company reorganization**"; and

Amend said bill and section, page 25, lines 8-22, by deleting all of said lines and inserting in lieu thereof the following:

"4. If a plan of merger is adopted by such domestic corporation by action of its board of directors and without any vote of shareholders pursuant to this section, the articles of merger shall state that the plan of merger has been adopted pursuant to this section and shall set forth the resolution of the board of directors of such domestic corporation approving the plan of merger and the date of adoption of the resolution and shall state that the conditions in the first sentence of subsection 1 of this section have been satisfied. The articles of merger shall also set forth the plan of merger and as to each of the constituent corporations to the merger, the number of shares outstanding, shall be executed and verified as provided in section 351.430 and shall be filed in accordance with section 351.435 and the merger shall become effective in accordance with section 351.440."

HOUSE AMENDMENT NO. 2

Amend House Substitute No. 2 for House Committee Substitute for Senate Bill No. 680, Pages 5 and 6, Section 351.025, by deleting all of said section and inserting in lieu thereof the following:

"351.025. 1. Any existing corporation heretofore organized for profit under any special law of this state may accept the provisions of this chapter and be entitled to all of the rights, privileges and benefits provided by this chapter, as well as accepting the obligations and duties imposed by this chapter, by filing with the secretary of state a certificate of acceptance of this chapter, signed by its president and secretary, duly authorized by its board of directors, and approved by the affirmative vote of a majority of its outstanding shares.

2. Any health services corporation organized as a not for profit corporation pursuant to chapter 354, RSMo, that has complied with the provisions of section 354.065, RSMo, may accept the provisions of this chapter and be entitled to all of the rights, privileges and benefits provided by this chapter, as well as accepting the obligations and duties imposed by this chapter, by filing with the secretary of state a certificate of acceptance of this chapter, signed by its president and secretary, duly authorized by its board of directors, and approved by the affirmative vote of a majority of its outstanding shares, if any.

3. The provisions of subsection 2 of this section shall expire and have no force and effect on and after August 31, 1999."; and

Further amend said bill, Page 27, Section 354.065, Line 19 of said page, by inserting immediately after the number "354.065." the number "**1.**"; and

Further amend said bill, Page 28, Section 354.065, Line 5 of said page, by deleting all of said line and inserting in lieu thereof the following: "amended accordingly.

2. A health services corporation"; and

Further amend said bill, Page 29, Section 354.065, Line 11 of said page, by inserting after all of said line the following:

"3. The provisions of subsection 2 of this section shall expire and have no force and effect on and after August 31, 1999."

HOUSE AMENDMENT NO. 3

Amend House Substitute No. 2 for House Committee Substitute for Senate Bill No. 680, Page 1, In the Title, Line 2 of said page, by inserting immediately after the word "sections" the numbers "105.273, 105.274,"; and

Further amend said bill, Page 1, In the Title, Line 7 of said page, by deleting the word "fifteen" and inserting in lieu thereof the word "forty-six"; and

Further amend said bill, Page 1, In the Title, Line 8 of said page, by inserting immediately after the word "subject" the words ", with penalty provisions"; and

Further amend said bill, Page 1, Section A, Line 11 of said page, by inserting immediately after the word "Sections" the numbers "105.273, 105.274,"; and

Further amend said bill, Page 1, Section A, Line 14 of said page, by deleting the word "fifteen" and inserting in lieu thereof the word "forty-six"; and

Further amend said bill, Page 1, Section A, Line 15 of said page, by inserting immediately after the word "sections" the numbers "105.273, 105.274,"; and

Further amend said bill, Page 1, Section A, Line 17 of said page, by deleting "and 2" and inserting in lieu thereof the following: ", 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31"; and

Further amend said bill, Page 1, Section 347.163, Line 18 of said page, by inserting immediately before all of said line the following:

"105.273. As used in sections 105.273 to 105.278

(1) "Public security" means a bond, note, certificate of indebtedness, or other obligation for the payment of money, issued by this state or by any of its departments, agencies or other instrumentalities or by any of its political subdivisions;

(2) "Instrument of payment" means a check, draft, warrant or order for the payment, delivery or transfer of funds;

(3) "Authorized officer" means any official of this state or any of its departments, agencies, or other instrumentalities or any of its political subdivisions whose signature to a public security or instrument of payment is required or permitted;

(4) "Facsimile signature" means a reproduction by engraving, imprinting, stamping, or other means of the manual signature of an authorized officer;

(5) "Contract", means any contract executed by a political subdivision of this state and approved by the governing body of the political subdivision.

105.274. Any authorized officer, after filing with the secretary of state his **or her** manual signature certified by [him] **such officer** under oath, may execute or cause to be executed with a facsimile signature in lieu of his **or her** manual signature:

(1) Any public security, provided that at least one signature required or permitted to be placed thereon shall be manually subscribed; [and]

(2) Any instrument of payment. Upon compliance with sections 105.273 to 105.278 by the authorized officer, his **or her**

facsimile signature has the same legal effect as his **or her** manual signature; **and**

(3) Any contract executed by a political subdivision of this state and approved by the governing body of the political subdivision."; and

Further amend said bill, Page 31, Section 358.510, Line 13 of said page, by inserting after all of said line the following:

"Section 1. Sections 1 to 27 of this act are known as the "Missouri Digital Signatures Act."

Section 2. Sections 1 to 27 of this act shall be construed to be consistent with what is commercially reasonable under the circumstances and to effectuate the following purposes:

- (1) To facilitate commerce by means of reliable electronic messages;**
- (2) To minimize the incidence of forged digital signatures and fraud in electronic commerce;**
- (3) To implement legally the general import of relevant standards, such as X.509 of the International Telecommunication Union (formerly International Telegraph and Telephone Consultative Committee or CCITT); and**
- (4) To establish, in coordination with multiple states, uniform rules regarding the authentication and reliability of electronic messages.**

Section 3. For the purposes of sections 1 to 27 of this act, unless the context expressly indicates otherwise, the following terms shall mean:

- (1) "Accept a certificate":**
 - (a) To manifest approval of a certificate, while knowing or having notice of its contents; or**
 - (b) To apply to a licensed certification authority for a certificate, without canceling or revoking the application, if the certification authority subsequently issues a certificate based on the application;**
- (2) "Asymmetric cryptosystem", an algorithm or series of algorithms which provide a secure key pair;**
- (3) "Certificate", a computer-based record which:**
 - (a) Identifies the certification authority issuing it;**
 - (b) Names or identifies its subscriber;**
 - (c) Contains the subscriber's public key; and**
 - (d) Is digitally signed by the certification authority issuing it;**
- (4) "Certification authority", a person who issues a certificate;**
- (5) "Certification authority disclosure record", an on-line, publicly accessible record which concerns a licensed certification authority and is kept by the division. A certification authority disclosure record has the contents specified by rule of the division pursuant to section 4 of this act;**
- (6) "Certification practice statement", a declaration of the practices which a certification authority employs in issuing certificates generally, or employs in issuing a material certificate;**
- (7) "Certify", the declaration of material facts by the certification authority regarding a certificate;**

- (8) "Confirm", to ascertain through appropriate inquiry and investigation;
- (9) "Correspond", with reference to keys, to belong to the same key pair;
- (10) "Digital signature", a transformation of a message using an asymmetric cryptosystem such that a person having the initial message and the signer's public key can accurately determine whether:
- (a) The transformation was created using the private key that corresponds to the signer's public key; and
 - (b) The message has been altered since the transformation was made;
- (11) "Division", the commissions division of the office of secretary of state for the state of Missouri;
- (12) "Forge a digital signature", either:
- (a) To create a digital signature without the authorization of the rightful holder of the private key; or
 - (b) To create a digital signature verifiable by a certificate listing as subscriber a person who either:
 - a. Does not exist; or
 - b. Does not hold the private key corresponding to the public key listed in the certificate;
- (13) "Hold a private key", to be able to use a private key;
- (14) "Incorporate by reference", to make one message a part of another message by identifying the message to be incorporated and expressing the intention that it be incorporated;
- (15) "Issue a certificate", the acts of a certification authority in creating a certificate and notifying the subscriber listed in the certificate of the contents of the certificate;
- (16) "Key pair", a private key and its corresponding public key in an asymmetric cryptosystem, keys which have the property that the public key can verify a digital signature that the private key creates;
- (17) "Licensed certification authority", a certification authority to whom a license has been issued by the division and whose license is in effect;
- (18) "Message", a digital representation of information;
- (19) "Notify", to communicate a fact to another person in a manner reasonably likely under the circumstances to impart knowledge of the information to the other person;
- (20) "Operative personnel", one or more natural persons acting as a certification authority or its agent, or in the employment of or under contract with a certification authority, and who have:
- (a) Managerial or policy-making responsibilities for the certification authority; or
 - (b) Duties directly involving the issuance of certificates, creation of private keys, or administration of a certification authority's computing facilities;
- (21) "Person", a human being or any organization capable of signing a document, either legally or as a matter of fact;
- (22) "Private key", the key of a key pair used to create a digital signature;
- (23) "Public key", the key of a key pair used to verify a digital signature;

(24) "Publish", to record or file in a repository;

(25) "Qualified right to payment", an award of damages against a licensed certification authority by a court having jurisdiction over the certification authority in a civil action for violation of sections 1 to 27 of this act;

(26) "Recipient", a person who receives or has a digital signature and is in a position to rely on it;

(27) "Recognized repository", a repository recognized by the division pursuant to section 25 of this act;

(28) "Recommended reliance limit", the limitation on the monetary amount recommended for reliance on a certificate pursuant to subsection 1 of section 17 of this act;

(29) "Repository", a system for storing and retrieving certificates and other information relevant to digital signatures;

(30) "Revoke a certificate", to make a certificate ineffective permanently from a specified time forward. Revocation is effected by notation or inclusion in a set of revoked certificates, and does not imply that a revoked certificate is destroyed or made illegible;

(31) "Rightfully hold a private key", to be authorized to use a private key:

(a) Which the holder or the holder's agents have not disclosed to any person in violation of subsection 1 of section 13 of this act; and

(b) Which the holder has not obtained through theft, deceit, eavesdropping or other unlawful means;

(32) "Signer", a person who creates a digital signature for a message;

(33) "Subscriber", a person who:

(a) Is the subject listed in a certificate;

(b) Accepts the certificate; and

(c) Holds a private key which corresponds to a public key listed in that certificate;

(34) (a) "Suitable guaranty", either a surety bond executed by a surety authorized by the department of insurance to do business in this state, or an irrevocable letter of credit issued by a financial institution authorized to do business in this state by the division of finance or division of credit unions in the department of economic development, which, in either event, satisfies all of the following requirements, that it:

a. Is issued payable to the division for the benefit of persons holding qualified rights of payment against the licensed certification authority named as the principal of the bond or customer of the letter of credit;

b. Is in an amount specified by rule of the division pursuant to section 4 of this act;

c. States that it is issued for filing pursuant to the provisions of sections 1 to 27 of this act;

d. Specifies a term of effectiveness extending at least as long as the term of the license to be issued to the certification authority; and

e. Is in a form prescribed by rule of the division;

(b) A suitable guaranty may also provide that the total annual liability on the guaranty to all persons making claims based on it may not exceed the face amount of the guaranty;

(c) A financial institution acting as a certification authority may satisfy the requirements of this subsection from its assets or capital, to the extent of its lending limit as provided by law;

(35) "Suspend a certificate", to make a certificate ineffective temporarily from a specified time forward;

(36) "Time-stamp", either:

(a) To append or attach to a message, digital signature or certificate a digitally signed notation indicating at least the date and time the notation was appended or attached, and the identity of the person appending or attaching the notation; or

(b) The notation thus appended or attached;

(37) "Transactional certificate", a valid certificate incorporating by reference one or more digital signatures;

(38) "Trustworthy system", computer hardware and software which:

(a) Are reasonably secure from intrusion and misuse;

(b) Provide a reasonable level of availability, reliability and correct operation; and

(c) Are reasonably suited to performing their intended functions;

(39) (a) "Valid certificate", a certificate which:

a. A licensed certification authority has issued;

b. The subscriber listed in it has accepted;

c. Has not been revoked or suspended; and

d. Has not expired;

(b) A transactional certificate is a valid certificate only in relation to the digital signature incorporated in it by reference;

(40) "Verify a digital signature", in relation to a given digital signature, message and public key, to determine accurately that:

(a) The digital signature was created by the private key corresponding to the public key; and

(b) The message has not been altered since its digital signature was created.

Section 4. 1. The division may be a certification authority, and may issue, suspend and revoke certificates in the manner prescribed for licensed certification authorities in sections 1 to 27 of this act.

2. The division shall maintain a publicly accessible database containing a certification authority disclosure record for each licensed certification authority. The division shall publish the contents of the database in at least one recognized repository.

3. The division shall promulgate such rules as are necessary to effectuate the provisions of sections 1 to 27 of this act, including rules:

(1) Governing licensed certification authorities, their practice and the termination of a certification authority's practice;

(2) Determining an amount appropriate for a suitable guaranty, in light of:

(a) The burden a suitable guaranty places upon licensed certification authorities; and

(b) The assurance of financial responsibility it provides to persons who rely on certificates issued by licensed certification authorities;

(3) For reviewing software for use in creating digital signatures and publish reports concerning software;

(4) Specifying reasonable requirements for the form of certificates issued by licensed certification authorities, in accordance with generally accepted standards for digital signature certificates;

(5) Specifying reasonable requirements for recordkeeping by licensed certification authorities;

(6) Specifying reasonable requirements for the content, form and sources of information in certification authority disclosure records, the updating and timeliness of such information, and other practices and policies relating to certification authority disclosure records; and

(7) Specifying the form of certification practice statements.

4. No rule or portion of a rule promulgated pursuant to the authority of sections 1 to 27 of this act shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 5. 1. To obtain or retain a license a certification authority shall:

(1) Be the subscriber of a certificate published in a recognized repository;

(2) Employ as operative personnel only persons who have not been convicted of a felony or a crime involving fraud, false statement or deception;

(3) Employ as operative personnel only persons who have demonstrated knowledge and proficiency in following the requirements of sections 1 to 27 of this act;

(4) File with the division a suitable guaranty, unless the certification authority is the governor, a department or division of state government, the attorney general, state auditor, state treasurer, the supreme court, a city, a county or the legislature or its staff offices provided that:

(a) Each of such governmental entities may act through designated officials authorized by ordinance, rule or statute to perform certification authority functions; and

(b) One of such governmental entities is the subscriber of all certificates issued by the certification authority;

(5) Have the right to use a trustworthy system, including a secure means for controlling usage of its private key;

(6) Present proof to the division of having working capital reasonably sufficient, according to rules of the division, to enable the applicant to conduct business as a certification authority;

(7) Comply with all other licensing requirements established by division rule.

2. The division shall issue a license to a certification authority which:

(1) Is qualified pursuant to subsection 1 of this section;

(2) Applies in writing to the division for a license; and

(3) Pays the required filing fee.

3. (1) The division may classify and issue licenses according to specified limitations, such as a maximum number of outstanding certificates, cumulative maximum of recommended reliance limits in certificates issued by the certification authority, or issuance only within a single firm or organization;

(2) A certification authority acts as an unlicensed certification authority when issuing a certificate exceeding the limits of the license.

4. (1) The division may revoke or suspend a certification authority's license for failure to comply with sections 1 to 27 of this act, or for failure to remain qualified pursuant to subsection 1 of this section;

(2) The division's actions pursuant to this subsection are subject to the procedures for adjudicative proceedings in chapter 621, RSMo.

5. The division may recognize by rule the licensing or authorization of certification authorities by other governmental entities, provided that those licensing or authorization requirements are substantially similar to those of this state. If licensing by another governmental entity is so recognized:

(1) Sections 19 to 24 of this act, which relates to presumptions and legal effects, applies to certificates issued by the certification authorities licensed or authorized by that governmental entity in the same manner as it applies to licensed certification authorities of this state; and

(2) The liability limits of section 17 of this act apply to the certification authorities licensed or authorized by that governmental entity in the same manner as they apply to licensed certification authorities of this state.

6. Unless the parties provide otherwise by contract between themselves, the licensing requirements in this section do not affect the effectiveness, enforceability or validity of any digital signature except that sections 19 to 24 of this act do not apply to a digital signature which cannot be verified by a certificate issued by a licensed certification authority. Further, the liability limits of section 17 of this act do not apply to unlicensed certification authorities.

Section 6. 1. A certified public accountant having expertise in computer security, or an accredited computer security professional, shall audit the operations of each licensed certification authority at least once each year to evaluate compliance with sections 1 to 27 of this act. The division may specify qualifications for auditors in greater detail by rule.

2. (1) Based on information gathered in the audit, the auditor shall categorize the licensed certification authority's compliance as one of the following:

(a) Full compliance, which means the certification authority appears to conform to all applicable statutory and regulatory requirements;

(b) Substantial compliance, which means the certification authority generally appears to conform to all applicable statutory and regulatory requirements; however, one or more instances of noncompliance or inability to demonstrate compliance were found in the audited sample, but were likely to be inconsequential;

(c) Partial compliance, which means the certification authority appears to comply with some statutory and regulatory requirements, but was found not to have complied or not to be able to demonstrate compliance with one or more important safeguards; or

(d) Noncompliance, which means the certification authority complies with few or none of the statutory and regulatory requirements, fails to keep adequate records to demonstrate compliance with more than a few requirements, or refused to submit to an audit;

(2) The auditor shall report the date of the audit of the licensed certification authority and resulting categorization to the division;

(3) The division shall publish in the certification authority disclosure record it maintains for the certification authority, the date of the audit and the resulting categorization of the certification authority.

3. (1) The division may exempt a licensed certification authority from the requirements of subsection 1 of this section if:

(a) The certification authority to be exempted requests exemption in writing;

(b) The most recent performance audit, if any, of the certification authority resulted in a finding of full or substantial compliance; and

(c) The certification authority declares under oath or affirmation that one or more of the following is true with respect to the certification authority:

a. The certification authority has issued fewer than six certificates during the past year and the total of the recommended reliance limits of all such certificates does not exceed ten thousand dollars;

b. The aggregate lifetime of all certificates issued by the certification authority during the past year is less than thirty days and the total of the recommended reliance limits of all such certificates does not exceed ten thousand dollars; or

c. The recommended reliance limits of all certificates outstanding and issued by the certification authority total less than one thousand dollars;

(2) If the certification authority's declaration pursuant to subdivision (1) of subsection 3 of this section falsely states a material fact, the certification authority shall have failed to comply with the performance audit requirement of this subsection;

(3) If a licensed certification authority is exempt pursuant to this subsection, the division shall publish in the certification authority disclosure record it maintains for the certification authority a statement that the certification authority is exempt from the performance audit requirement.

Section 7. 1. The division may investigate the activities of a licensed certification authority material to its compliance with this chapter and issue orders to a certification authority to further its investigation and ensure compliance with sections 1 to 27 of this act.

2. As provided in section 5 of this act, the division may restrict a certification authority's license for its failure to comply with an order of the division, or may suspend or revoke the license of a certification authority.

3. Any person who knowingly or intentionally violates an order of the division issued pursuant to this section or section 8 of this act is subject to a civil penalty of not more than five thousand dollars per violation or ninety percent of the recommended reliance limit of a material certificate, whichever is less.

4. The division may order a certification authority in violation of sections 1 to 27 of this act to pay the costs incurred by the division in prosecuting and adjudicating proceedings relative to, and in enforcement of, the order.

5. Administrative proceedings undertaken pursuant to this section shall be conducted pursuant to chapter 536, RSMo.

Section 8. 1. A certification authority, whether licensed or not, may not conduct its business in a manner that creates an unreasonable risk of loss to subscribers of the certification authority, to persons relying on certificates issued by the certification authority, or to a repository.

2. (1) The division may publish in one or more recognized repositories brief statements advising subscribers,

persons relying on digital signatures, and repositories about any activities of a licensed or unlicensed certification authority, of which the division has actual knowledge, which create a risk prohibited by subsection 1 of this section;

(2) The certification authority named in a statement as creating such a risk may protest the publication of the statement by filing a brief, written defense. Upon receipt of such a protest, the division shall:

- (a) Publish the written defense along with the division's statement;
 - (b) Publish notice that a hearing has been scheduled to determine the facts and to decide the matter; and
 - (c) Promptly give the protesting certification authority notice and a hearing as provided in chapter 536, RSMo;
- (3) Following the hearing, the division shall:

- (a) Rescind the advisory statement if its publication was unwarranted pursuant to this section;
 - (b) Cancel the advisory statement if its publication is no longer warranted;
 - (c) Continue or amend the advisory statement if it remains warranted; or
 - (d) Take further legal action to eliminate or reduce a risk prohibited by subsection 1 of this section;
- (4) The division shall publish its decision in one or more recognized repositories.

3. Nothing in sections 1 to 27 of this act shall be construed to prevent the division from exercising any and all legal methods to enforce the provisions of sections 1 to 27 of this act. The provisions of this section do not create a right of action in any person other than the division.

Section 9. 1. A licensed certification authority or subscriber shall use only a trustworthy system:

- (1) To issue, suspend or revoke a certificate;
- (2) To publish or give notice of the issuance, suspension or revocation of a certificate; and
- (3) To create a private key.

2. A licensed certification authority shall disclose any material certification practice statement, and any fact material to either the reliability of a certificate which it has issued or its ability to perform its services. A certification authority may require a signed, written and reasonably specific inquiry from an identified person, and payment of reasonable compensation, as conditions precedent to effecting a disclosure required in this subsection.

Section 10. 1. A licensed certification authority may issue a certificate to a subscriber only after all of the following conditions are satisfied:

- (1) The certification authority has received a request for issuance signed by the prospective subscriber; and
- (2) The certification authority has confirmed that:
 - (a) The prospective subscriber is the person to be listed in the certificate to be issued;
 - (b) If the prospective subscriber is acting through one or more agents, the subscriber authorized the agent or agents to have custody of the subscriber's private key and to request issuance of a certificate listing the corresponding public key;

- (c) The information in the certificate to be issued is accurate after due diligence;**
- (d) The prospective subscriber rightfully holds the private key corresponding to the public key to be listed in the certificate;**
- (e) The prospective subscriber holds a private key capable of creating a digital signature; and**
- (f) The public key to be listed in the certificate can be used to verify a digital signature affixed by the private key held by the prospective subscriber;**
- (3) The requirements of this subsection may not be waived or disclaimed by the licensed certification authority or the subscriber.**

2. (1) If the subscriber accepts the issued certificate, the certification authority shall publish a signed copy of the certificate in a recognized repository agreed upon by the certification authority and the subscriber named in the certificate, unless the contract between the certification authority and the subscriber provides otherwise;

(2) If the subscriber does not accept the certificate, a licensed certification authority shall not publish the certificate or shall cancel its publication if the certificate has already been published.

3. Nothing in this section precludes a licensed certification authority from conforming to standards, certification practice statements, security plans, or contractual requirements more rigorous than, but consistent with, sections 1 to 27 of this act.

4. (1) A licensed certification authority which has issued a certificate:

- (a) Shall revoke a certificate immediately upon confirming that it was not issued as required by this section; or**
- (b) May suspend, for a reasonable period of time not to exceed forty-eight hours, a certificate which it has issued in order to conduct an investigation to confirm grounds for revocation pursuant to paragraph (a) of this subdivision;**

(2) The certification authority shall give notice of the revocation or suspension to the subscriber as soon as practicable.

5. (1) The division may order the licensed certification authority to suspend or revoke a certificate which the certification authority issued if, after giving the certification authority and subscriber any required notice and opportunity for a hearing in accordance with chapter 536, RSMo, the division determines that:

- (a) The certificate was issued without substantial compliance with this section; and**
- (b) The noncompliance poses a significant risk to persons reasonably relying on the certificate;**

(2) The division may suspend a certificate for a reasonable period of time not to exceed forty-eight hours upon determining that an emergency requires an immediate remedy.

Section 11. 1. (1) By issuing a certificate, a licensed certification authority warrants to the subscriber named in the certificate that:

- (a) The certificate contains no information known to the certification authority to be false;**
- (b) The certificate satisfies all material requirements of sections 1 to 27 of this act; and**
- (c) The certification authority has not exceeded any limits of its license in issuing the certificate;**
- (2) The certification authority may not disclaim or limit the warranties of this subsection.**

2. Unless the subscriber and certification authority otherwise agree, a certification authority, by issuing a certificate, shall:

- (1) Act promptly to suspend or revoke a certificate in accordance with sections 14 and 15 of this act; and**
- (2) Notify the subscriber within a reasonable time of any facts known to the certification authority which significantly affect the validity or reliability of the certificate once it is issued.**

3. By issuing a certificate, a licensed certification authority certifies to all who reasonably rely on the information contained in the certificate that:

- (1) The information in the certificate and listed as confirmed by the certification authority is accurate;**
- (2) All foreseeable information material to the reliability of the certificate is stated or incorporated by reference within the certificate;**
- (3) The subscriber has accepted the certificate; and**
- (4) The licensed certification authority has complied with all applicable laws of this state governing issuance of the certificate.**

4. By publishing a certificate, a licensed certification authority certifies to the repository in which the certificate is published and to all who reasonably rely on the information contained in the certificate that the certification authority has issued the certificate to the subscriber.

Section 12. 1. By accepting a certificate issued by a licensed certification authority, the subscriber listed in the certificate certifies to all who reasonably rely on the information contained in the certificate that:

- (1) The subscriber rightfully holds the private key corresponding to the public key listed in the certificate;**
- (2) All representations made by the subscriber to the certification authority and material to information listed in the certificate are true;**
- (3) All material representations made by the subscriber to a certification authority or made in the certificate and not confirmed by the certification authority in issuing the certificate are true.**

2. An agent, requesting on behalf of a principal that a certificate be issued naming the principal as subscriber, certifies that the agent:

- (1) Holds all authority legally required to apply for issuance of a certificate naming the principal as subscriber; and**
- (2) Has authority to sign digitally on behalf of the principal, and, if that authority is limited in any way, that adequate safeguards exist to prevent a digital signature exceeding the bounds of the person's authority.**

3. A person may not disclaim or contractually limit the application of this section, or obtain indemnity for its effects, if the disclaimer, limitation or indemnity restricts liability for misrepresentation as against persons reasonably relying on the certificate.

4. (1) By accepting a certificate, a subscriber undertakes to indemnify the issuing certification authority for any loss or damage caused by issuance or publication of a certificate in reliance on a false and material representation of fact by the subscriber, or the failure by the subscriber to disclose a material fact if the representation or failure to disclose was made either with intent to deceive the certification authority or a person relying on the certificate or was made with negligence;

(2) If the certification authority issued the certificate at the request of an agent of the subscriber, the agent personally undertakes to indemnify the certification authority pursuant to subdivision (1) of this subsection as if the agent was an accepting subscriber in his or her own right. The indemnity provided in subdivision (1) of this subsection may not be disclaimed or contractually limited in scope, however, a contract may provide consistent, additional terms regarding the indemnification.

5. In obtaining information of the subscriber material to issuance of certificate, the certification authority may require the subscriber to certify the accuracy of relevant information under oath or affirmation of truthfulness and under penalty of criminal prohibitions against false, sworn statements.

Section 13. 1. By accepting a certificate issued by a licensed certification authority, the subscriber identified in the certificate assumes a duty to exercise reasonable care to retain control of the private key and prevent its disclosure to any person not authorized to create the subscriber's digital signature.

2. A private key is the personal property of the subscriber who rightfully holds it.

3. If a certification authority holds the private key corresponding to a public key as a fiduciary of the subscriber named in the certificate, the certification authority may use that private key only with the subscriber's prior, written approval, unless the subscriber expressly permits the certification authority to hold the private key according to other terms.

Section 14. 1. (1) Unless the certification authority and the subscriber agree otherwise, the licensed certification authority which issued a certificate which is not a transactional certificate shall suspend the certificate for a period not exceeding forty-eight hours:

(a) Upon request by a person identifying himself or herself as the subscriber named in the certificate, or as a person in a position likely to know of a compromise of the security of subscriber's private key, such as an agent, business associate, employee or member of the immediate family of the subscriber; or

(b) By order of the division pursuant to subsection 5 of section 10 of this act;

(2) The certification authority need not confirm the identity or agency of the person requesting suspension pursuant to paragraph (a) of subdivision (1) of this subsection.

2. (1) Unless the certificate provides otherwise or the certificate is a transactional certificate, the division, a court clerk, or county clerk may suspend a certificate issued by a licensed certification authority for a period of forty-eight hours, if:

(a) A person requests suspension and identifies himself or herself as the subscriber named in the certificate or as an agent, business associate, employee or member of the immediate family of the subscriber; and

(b) The requester represents that the certification authority which issued the certificate is unavailable;

(2) The division, court clerk or county clerk may:

(a) Require the person requesting suspension pursuant to subdivision (1) of this subsection to provide evidence, including a statement under oath or affirmation, regarding any information described in subdivision (1) of this subsection; and

(b) Suspend or decline to suspend the certificate in its discretion;

(3) The division, attorney general or county attorney may investigate suspensions by the division, a court clerk or a county clerk for possible wrongdoing by persons requesting suspension pursuant to subdivision (1) of this subsection.

3. (1) Immediately upon suspension of a certificate by a licensed certification authority, the licensed certification authority shall publish notice, signed by the licensed certification authority, of the suspension in any repositories specified in the certificate for publication of notice of suspension. If any repository specified in the certificate no longer exists or refuses to accept publication, or is no longer recognized pursuant to section 25 of this act, the licensed certification authority shall publish the notice in any recognized repository;

(2) If a certificate is suspended by the division, a court clerk or county clerk, the division or clerk shall give notice as required in subdivision (1) of this subsection for a licensed certification authority, provided that the person requesting suspension pays in advance any fee required by a repository for publication of the notice of suspension.

4. A certification authority shall terminate a suspension initiated by request only:

(1) If the subscriber named in the suspended certificate requests termination of the suspension and the certification authority has confirmed that the person requesting suspension is the subscriber or an agent of the subscriber authorized to terminate the suspension; or

(2) When the certification authority discovers and confirms that the request for the suspension was made without authorization by the subscriber, provided that this subdivision does not require the certification authority to confirm a request for suspension.

5. The contract between a subscriber and a licensed certification authority may limit or preclude requested suspension by the certification authority, or may provide otherwise for termination of a requested suspension. However, if the contract limits or precludes suspension by the division, a court clerk or a county clerk when the issuing certification authority is unavailable, the limitation or preclusion shall be effective only if notice of the limitation or preclusion is published in the certificate.

6. A person may not knowingly or intentionally misrepresent to a certification authority his or her identity or authorization in requesting suspension of a certificate. Violation of this subsection is a class B misdemeanor.

7. While the certificate is suspended, the subscriber is released from the duty to keep the private key secure pursuant to subsection 1 of section 13 of this act.

Section 15. 1. A licensed certification authority shall revoke a certificate which it issued, but which is not a transactional certificate, after:

(1) Receiving a request for revocation by the subscriber named in the certificate; and

(2) Confirming that the person requesting revocation is that subscriber, or is an agent of that subscriber with authority to request the revocation.

2. A licensed certification authority shall confirm a request for revocation and revoke a certificate within one business day after receiving both a subscriber's written request and evidence reasonably sufficient to confirm the identity and any agency of the person requesting the suspension.

3. A licensed certification authority shall revoke a certificate which it issued:

(1) Upon receiving a certified copy of the subscriber's death certificate, or upon confirming by other evidence that the subscriber is dead; or

(2) Upon presentation of documents effecting a dissolution of the subscriber, or upon confirming by other evidence that the subscriber has been dissolved or has ceased to exist.

4. A licensed certification authority may revoke one or more certificates which it issued if the certificates are or become unreliable, regardless of whether the subscriber consents to the revocation.

5. Immediately upon revocation of a certificate by a licensed certification authority, the licensed certification authority shall publish signed notice of the revocation in any repository specified in the certificate for publication of notice of revocation. If any repository specified in the certificate no longer exists or refuses to accept publication, or is no longer recognized pursuant to section 25 of this act, the licensed certification authority shall publish the notice in any recognized repository.

6. A subscriber ceases to certify the information, as provided in section 12 of this act, and has no further duty to keep the private key secure, as required by section 13 of this act, in relation to a certificate whose revocation the subscriber has requested, beginning with the earlier of either:

(1) When notice of the revocation is published as required in subsection 5 of this section; or

(2) Two business days after the subscriber requests revocation in writing, supplies to the issuing certification authority information reasonably sufficient to confirm the request, and pays any contractually required fee.

7. Upon notification as required by subsection 5 of this section, a licensed certification authority is discharged of its warranties based on issuance of the revoked certificate and ceases to certify the information, as provided in section 11 of this act, in relation to the revoked certificate.

Section 16. A certificate shall indicate the date on which it expires. When a certificate expires, the subscriber and certification authority cease to certify the information in the certificate as provided in sections 1 to 27 of this act and the certification authority is discharged of its duties based on issuance of that certificate.

Section 17. 1. By specifying a recommended reliance limit in a certificate, the issuing certification authority and the accepting subscriber recommend that persons rely on the certificate only to the extent that the total amount at risk does not exceed the recommended reliance limit.

2. Unless a licensed certification authority waives application of this subsection, a licensed certification authority is:

(1) Not liable for any loss caused by reliance on a false or forged digital signature of a subscriber, if, with respect to the false or forged digital signature, the certification authority complied with all material requirements of sections 1 to 27 of this act;

(2) Not liable in excess of the amount specified in the certificate as its recommended reliance limit for either:

(a) A loss caused by reliance on a misrepresentation in the certificate of any fact that the licensed certification authority is required to confirm; or

(b) Failure to comply with section 10 of this act in issuing the certificate;

(3) Liable only for direct, compensatory damages in any action to recover a loss due to reliance on the certificate, which damages do not include:

(a) Punitive or exemplary damages;

(b) Damages for lost profits, savings or opportunity; or

(c) Damages for pain or suffering.

Section 18. 1. (1) Notwithstanding any provision in the suitable guaranty to the contrary:

(a) If the suitable guaranty is a surety bond, a person may recover from the surety the full amount of a qualified right to payment against the principal named in the bond, or, if there is more than one such qualified right to payment during the term of the bond, a ratable share, up to a maximum total liability of the surety equal to the

amount of the bond; or

(b) If the suitable guaranty is a letter of credit, a person may recover from the issuing financial institution the full amount of a qualified right to payment against the customer named in the letter of credit, or, if there is more than one qualified right to payment during the term of the letter of credit, a ratable share, up to a maximum total liability of the issuer equal to the amount of the credit;

(2) Claimants may recover successively on the same suitable guaranty, provided that the total liability on the suitable guaranty to all persons making claims based upon qualified rights of payment during its term may not exceed the amount of the suitable guaranty.

2. To recover a qualified right to payment against a surety or issuer of a suitable guaranty, the claimant shall file written notice of the claim with the division stating the name and address of the claimant, the amount claimed, and the grounds for the qualified right to payment, and any other information required by rule of the division.

3. Recovery of a qualified right to payment from the proceeds of the suitable guaranty shall be forever barred unless:

(1) The claimant substantially complies with subsection 2 of this section; and

(2) Notice of the claim is filed within two years after the occurrence of the violation of any of sections 1 to 27 of this act which is the basis for the claim.

Section 19. 1. Where a rule of law requires a signature, or provides for certain consequences in the absence of a signature, that rule is satisfied by a digital signature if:

(1) That digital signature is verified by reference to the public key listed in a valid certificate issued by a licensed certification authority;

(2) That digital signature was affixed by the signer with the intention of signing the message; and

(3) The recipient has no knowledge or notice that the signer either:

(a) Breached a duty as a subscriber; or

(b) Does not rightfully hold the private key used to affix the digital signature.

2. Nothing in sections 1 to 27 of this act precludes any symbol from being valid as a signature pursuant to other applicable law.

3. This section does not limit the authority of the department of revenue to prescribe the form of tax returns or other documents filed with the department of revenue.

Section 20. Unless otherwise provided by law or contract, the recipient of a digital signature assumes the risk that a digital signature is forged, if reliance on the digital signature is not reasonable under the circumstances. If the recipient determines not to rely on a digital signature pursuant to this section, the recipient shall promptly notify the signer of its determination not to rely on the digital signature.

Section 21. 1. A message is as valid, enforceable and effective as if it had been written on paper, if it:

(1) Bears in its entirety a digital signature; and

(2) That digital signature is verified by the public key listed in a certificate which:

(a) Was issued by a licensed certification authority; and

(b) Was valid at the time the digital signature was created.

2. Nothing in this chapter precludes any message, document or record from being considered written or in writing pursuant to other applicable state law.

Section 22. A copy of a digitally signed message is as effective, valid and enforceable as the original of the message, unless it is evident that the signer designated an instance of the digitally signed message to be a unique original, in which case only that instance constitutes the valid, effective and enforceable message.

Section 23. Unless otherwise provided by law or contract, a certificate issued by a licensed certification authority is an acknowledgement of a digital signature verified by reference to the public key listed in the certificate, regardless of whether words of an express acknowledgement appear with the digital signature or whether the signer physically appeared before the certification authority when the digital signature was created, if that digital signature is:

(1) Verifiable by that certificate; and

(2) Affixed when that certificate was valid.

Section 24. In adjudicating a dispute involving a digital signature, a court of this state shall presume that:

(1) A certificate digitally signed by a licensed certification authority and either published in a recognized repository or made available by the issuing certification authority or by the subscriber listed in the certificate is issued by the certification authority which digitally signed it and is accepted by the subscriber listed in it;

(2) The information listed in a valid certificate, as defined in section 3 of this act, and confirmed by a licensed certification authority issuing the certificate is accurate;

(3) If a digital signature is verified by the public key listed in a valid certificate issued by a licensed certification authority, it shall have the same force and effect as the use of a manual signature; and

(4) A digital signature was created before it was time stamped by a disinterested person utilizing a trustworthy system.

Section 25. 1. A repository may apply to the division for recognition by filing a written request and providing evidence to the division that the repository meets the requirements of subsection 2 of this section. The division shall determine whether to grant or deny the request in the manner provided for adjudicative proceedings in chapter 536, RSMo.

2. The division shall recognize a repository, after finding that the repository:

(1) Is operated under the direction of a licensed certification authority;

(2) Includes a database containing:

(a) Certificates published in the repository;

(b) Notices of suspended or revoked certificates published by licensed certification authorities or other persons suspending or revoking certificates as provided in sections 14 and 15 of this act;

(c) Certification authority disclosure records for licensed certification authorities;

(d) All orders or advisory statements published by the division in regulating certification authorities; and

(e) Other information as determined by rule of the division;

(3) Operates by means of a trustworthy system;

(4) Contains no significant amount of information which the division finds is known or likely to be untrue, inaccurate or not reasonably reliable;

(5) Contains certificates published by certification authorities required to conform to rules of practice which the division finds to be substantially similar to, or more stringent toward the certification authorities, than those of this state;

(6) Keeps an archive of certificates that have been suspended or revoked, or that have expired within at least the past three years; and

(7) Complies with other requirements prescribed by rule of the division.

3. The division's recognition of a repository may be discontinued upon the repository's written request for discontinuance filed with the division at least thirty days before discontinuance.

4. The division may discontinue recognition of a repository:

(1) Upon passage of an expiration date specified by the division in granting recognition; or

(2) In accordance with the procedures for adjudicative proceedings prescribed by chapter 536, RSMo, if the division concludes that the repository no longer satisfies the conditions for recognition listed in this section or in rules of the division.

Section 26. 1. Notwithstanding any disclaimer by the repository or any contract to the contrary between the repository, a certification authority, or a subscriber, a repository is liable for a loss incurred by a person reasonably relying on a digital signature verified by the public key listed in a suspended or revoked certificate if:

(1) The loss was incurred more than one business day after receipt by the repository of a request to publish notice of the suspension or revocation; and

(2) The repository had failed to publish the notice of suspension or revocation when the person relied on the digital signature.

2. Unless waived, a recognized repository or the owner or operator of a recognized repository is:

(1) Not liable:

(a) For failure to publish notice of a suspension or revocation, unless the repository has received notice of publication and one business day has elapsed since the notice was received;

(b) For any damages pursuant to subsection 1 of this section in excess of the amount specified in the certificate as the recommended reliance limit;

(c) For misrepresentation in a certificate published by a licensed certification authority;

(d) For accurately recording or reporting information which a licensed certification authority, the division, a county clerk or court clerk has published as provided in sections 1 to 27 of this act, including information about suspension or revocation of a certificate; or

(e) For reporting information about a certification authority, a certificate or a subscriber, if such information is published as provided in sections 1 to 27 of this act or a rule of the division, or is published by order of the division in the performance of its licensing and regulatory duties pursuant to sections 1 to 27 of this act; and

(2) Liable pursuant to subsection 1 of this section only for direct compensatory damages, which do not include:

- (a) Punitive or exemplary damages;
- (b) Damages for lost profits, savings or opportunity; or
- (c) Damages for pain or suffering.

Section 27. The following governmental entity records are exempt from chapter 610, RSMo, and are not considered public records for the purposes of that chapter:

- (1) Records containing information that would disclose, or might lead to the disclosure of private keys, asymmetric cryptosystems or algorithms; or
- (2) Records, the disclosure of which might jeopardize the security of an issued certificate or a certificate to be issued.

Section 28. 1. Any statement, document or notice, except any document or judicial decree relating to the secretary of state's statutory or constitutional duties regarding elections, required or permitted to be filed with or transmitted by the secretary of state, or any judicial decree requiring the filing of such document, may be filed, transmitted, stored and maintained in an electronic format prescribed by the secretary of state. No statement, document or notice submitted or filed in an electronic format need be submitted or filed in duplicate. Nothing in this section shall require the secretary of state to accept or transmit any statement, document or notice in an electronic format.

2. Any statutory requirement that a statement, document or notice be signed by any person shall be satisfied by an electronically transmitted signature that is:

- (1) Unique to the person using it;
- (2) Capable of verification;
- (3) Under the sole control of the person using it;
- (4) Linked to the document in such a manner that if the data is changed, the signature is invalidated; and
- (5) Intended by the party using it to have the same force and effect as the use of a manual signature.

3. Any requirement that a statement, document or notice filed with the secretary of state be notarized may be satisfied by a properly authenticated digital signature. The execution of any statement, document or notice with a digital signature pursuant to this subsection constitutes an affirmation under penalty of perjury that the facts stated therein are true and that such person or persons are duly authorized to execute such statement, document or notice, or are otherwise required to file such statement, document or notice.

Section 29. The secretary of state may accept credit or debit cards and establish a new revenue collection center for prepaid accounts for the payment of required taxes and fees. The secretary of state shall work with the state treasurer and the office of administration in connection with such payments. No person establishing a prepayment account pursuant to this section shall be entitled to payment of any interest on such account. Funds in prepayment accounts shall be refundable upon the order of the person or persons authorized to transfer money from such an account."; and

Further amend said bill, Page 31, Section 1, Line 14 of said page, by deleting "**Section 1.**" and inserting in lieu thereof the following: "**Section 30.**"; and

Further amend said bill, Page 33, Section 2, Line 1 of said page, by deleting "**Section 2.**" and inserting in lieu thereof the following: "**Section 31.**".

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HS** for **HCS** for **HBs 1405, 1109 and 1335**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

On motion of Senator Quick, the Senate recessed until 7:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

RESOLUTIONS

Senator Staples offered Senate Resolution No. 1928, regarding Holly Laura Brown, Eminence, which was adopted.

Senator Staples offered Senate Resolution No. 1929, regarding Holly Morgan, Eminence, which was adopted.

Senator Staples offered Senate Resolution No. 1930, regarding Mark Frazier, Eminence, which was adopted.

Senator Kenney offered Senate Resolution No. 1931, regarding the Independence Police Department, the Independence Fraternal Order of Police and the Fraternal Order of Police Auxiliary, which was adopted.

Senator Kenney offered Senate Resolution No. 1932, regarding John M. Carmichael, Blue Springs, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HS** for **HB 1694**, as amended: Representatives: Farnen, Gaw, Harlan, Champion and Summers.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 936**, entitled:

An Act to repeal sections 144.034, 144.080 and 144.655, RSMo 1994, and sections 67.1300, 144.010, 144.014 and 144.030, RSMo Supp. 1997, relating to sales and use taxation, and to enact in lieu thereof eight new sections relating to the same subject.

With House Amendments Nos. 1, 2, 3, House Substitute Amendment No. 1 for House Amendment No. 4, House Amendments Nos. 5, 6, 7, 8, 9, 10, House Substitute Amendment No. 1 for House Amendment No. 11, House Amendments Nos. 12, 13, 14, 15, 16, 17, 18, 19 and 21.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 936, Page 7, Section 144.010, Line 91 by inserting a comma "," after the word "**property**"; and

Further amend said bill, Page 8, Section 144.014, Line 13 by deleting the word "**fifty**" and inserting in lieu thereof the word "**eighty**"; and

Further amend said substitute, Page 9, Section 144.030, Line 34 by inserting after the word "steel" the words "**or glass**"; and

Further amend said substitute, Page 12, Section 144.030, Line 115 by inserting after the word "**by**" the words "**or on behalf of**".

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 936, Page 16, Section 144.030, Line 280, by deleting the period at the end of said line and replacing it with a semicolon, and by inserting at the end of said line the following:

"(42) Drainage pipe and tile to be used on agricultural land for purposes of soil and water conservation."

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 936, Page 16, Section 144.030, Line 280, by inserting after said line the following:

"(42) All sales of textbooks, as defined by section 170.051, RSMo, when such textbook is purchased for use by a student who possesses proof of current enrollment at any public or private university, college or other postsecondary institution of higher learning offering a course of study leading to a degree in the liberal arts, humanities or sciences or in a professional, vocational or technical field."

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 936, Page 16, Section 144.030, Line 280, by deleting the period "." at the end of said line and inserting in lieu thereof the following: ";

(42) All sales of machinery, equipment and other tangible personal property required to conduct games of bowling in bowling alleys where sales tax is collected on the gross receipts of such games."

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 936, Page 1, In the title, Line 2, by inserting after the words "repeal sections" the figure "144.025,"; and

Further amend said bill, Page 1, In the title, Line 4, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting immediately before the figure "144.034," the figure "144.025,"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the figure "144.014," the figure "144.025,"; and

Further amend said bill, Page 8, Section 144.014, Line 33, by inserting after all of said line the following:

"144.025. 1. Notwithstanding any other provisions of law to the contrary, in any retail sale other than retail sales governed by subsection [3] 4 of this section, where any article on which sales or use tax due, if any, was paid, credited, satisfied or waived is taken in trade as a credit or part payment on the purchase price of the article being sold, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which

exceeds the actual allowance made for the article traded in or exchanged, if there is a bill of sale or other record showing the actual allowance made for the article traded in or exchanged. Where the purchaser of a motor vehicle, trailer, boat or outboard motor receives a rebate from the seller or manufacturer, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the amount of the rebate, if there is a bill of sale or other record showing the actual rebate given by the seller or manufacturer. Where the trade-in or exchange allowance plus any applicable rebate exceeds the purchase price of the purchased article there shall be no sales or use tax owed. This section shall also apply to motor vehicles, trailers, boats, and outboard motors sold by the owner **or holder of a properly assigned certificate of ownership** if the seller purchases or contracts to purchase a [replacement] **subsequent** motor vehicle, trailer, boat, or outboard motor within ninety days before or after the date of the sale of the original article and a notarized bill of sale showing the paid sale price is presented to the department of revenue at the time of licensing. A copy of the bill of sale shall be left with the licensing office. Where the [new replacement] **subsequent** motor vehicle, trailer, boat, or outboard motor is titled more than ninety days after the sale of the original motor vehicle, trailer, boat, or outboard motor, the allowance pursuant to this section shall be made if the person titling such article establishes that the purchase or contract to purchase was finalized prior to the expiration of the ninety-day period.

2. As used in this section, the term "boat" includes all motorboats and vessels, as the terms "motorboat" and "vessel" are defined in section 306.010, RSMo.

3. As used in this section, the term "motor vehicle" includes motor vehicles as defined in section 301.010, RSMo, recreational vehicles as defined in section 700.010, RSMo, or a combination of a truck as defined in section 301.010, RSMo, and a trailer as defined in section 301.010, RSMo.

[3.] **4.** The provisions of subsection 1 of this section shall not apply to retail sales of manufactured homes in which the purchaser receives a document known as the "Manufacturer's Statement of Origin" for purposes of obtaining a title to the manufactured home from the department of revenue of this state or from the appropriate agency or officer of any other state."

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 936, Page 1, In the Title, Line 2, by deleting the word and number "and 144.655" and inserting in lieu thereof the following: ", 144.655 and 260.285"; and

Further amend said bill, Page 1, In the Title, Line 4, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the word and number "and 144.655" and inserting in lieu thereof the following: ", 144.655 and 260.285"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after the number "144.655" the following: ", 260.285"; and

Further amend said bill, Page 19, Section 144.655, Line 48, by inserting after all of said line the following:

"260.285. 1. Any manufacturer engaged in this state in production of a meat or poultry food product intended for human consumption that is recycling flexible cellulose casing manufactured from cotton linters used and consumed directly in the production of such food product shall be eligible for a credit as defined in subsection 2 of this section.

2. The credit authorized in subsection 1 shall be equal to the amount of state sales or use taxes paid by a manufacturer to a retailer on such packaging material which is subsequently recycled by either the manufacturer or other person or entity to which the manufacturer conveys such packaging materials, less any consideration received by the manufacturer for such conveyance.

3. A manufacturer shall claim the refund in the month following the month in which the material has been recycled or conveyed for recycling. When claiming a credit [under] **pursuant to** this section, a manufacturer shall provide a detailed accounting of the amount of packaging material recycled, amount of sales or use tax paid on such material, an affidavit attesting that the manufacturer is eligible [under] **pursuant to** the provisions of this section for the credit being claimed and any other documentation determined necessary by the director of the department of revenue. The director shall refund any valid credit claims within sixty days of receipt. If the director determines that a fraudulent claim for the credit has been filed, the director may assess a penalty in an amount not to exceed twice the amount of fraudulent credits claimed.

4. Payment of credits authorized by this section shall not alter the liability of a retailer regarding sales tax on such material. Credits authorized by this section shall be paid from funds appropriated for the refund of taxes.

5. This section shall become effective October 1, 1991. [This section shall expire October 1, 2001.]".

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 936, Page 19, Section 1, Line 14, by inserting after said line the following:

"Section 2. Notwithstanding other provisions of law to the contrary, beginning on September 1, 1998, and terminating on August 31, 1999, there shall be no tax levied and imposed pursuant to sections 144.010 to 144.525, RSMo, or sections 144.600 to 144.746, RSMo, and there shall be no computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525, RSMo, or sections 144.600 to 144.746, RSMo, on purchases of all clothing, including footwear but excluding jewelry, which is intended to be worn on a person if any such article of clothing purchased has a retail value of less than five hundred dollars. Clothing includes cloth or material made of natural or synthetic fibers which is worn on a person as clothing. The provisions of this section shall not apply to the local sales tax law, as defined in section 32.085, RSMo, or to section 67.665 to 67.667, RSMo, sections 67.671 to 67.685, RSMo, sections 67.1000 to 67.1012, RSMo, sections 92.325 to 92.340, RSMo, section 94.660, RSMo, sections 94.800 to 94.825, RSMo, section 94.830, RSMo, sections 94.850 to 94.857, RSMo, sections 94.870 to 94.881, RSMo, section 94.890, RSMo, sections 190.335 to 190.337, RSMo, section 238.235, RSMo, section 238.410, RSMo, section 321.242, RSMo, section 573.505, RSMo, or section 644.032, RSMo, or to the computation of the tax levied, assessed or payable pursuant to such sections."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 936, Page 2, Section 67.1300, Line 38, by deleting the words **"sixteen thousand"** and inserting in lieu thereof the words **"fifteen thousand nine hundred"**.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 936, Page 12, Section 144.030, Line 114, by inserting after the word "oxygen," the following: **"home respiratory equipment and accessories, hospital beds and accessories and ambulatory aides,"**.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 936, Page 16, Section 144.030, Line 280, by inserting after said line the following:

"(42) Newspapers produced for and sold to an entity which distributes such newspapers to the general public at no charge.".

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 936, Page 8, Line 33, by inserting immediately after said line the following:

"144.025. 1. Notwithstanding any other provisions of law to the contrary, in any retail sale other than retail sales governed by subsection 3 of this section, where any article is taken in trade as a credit or part payment on the purchase price of the article being sold, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the actual allowance made for the article traded in or exchanged, if there is a bill of sale or other record showing the actual allowance made for the article traded in or exchanged. Where the purchaser of a motor vehicle, trailer, boat or outboard motor receives a rebate from the seller or manufacturer, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the amount of the rebate, if there is a bill of sale or other record showing the actual rebate given by the seller or manufacturer. Where the trade-in or exchange allowance plus any applicable rebate exceeds the purchase price of the purchased article there shall be no sales or use tax owed. This section shall also apply to motor vehicles, trailers, boats, and outboard motors sold by the owner if the seller purchases or contracts to purchase a replacement motor vehicle, trailer, boat, or outboard motor within [ninety] **one hundred eighty** days before or after the date of the sale of the original article and a notarized bill of sale showing the paid sale price is presented to the department of revenue at the time of licensing. A copy of the bill of sale shall be left with the licensing office. Where the new replacement motor vehicle, trailer, boat, or outboard motor is titled more than [ninety] **one hundred eighty** days after the sale of the original motor vehicle, trailer, boat, or outboard motor, the allowance pursuant to this section shall be made if the person titling such article establishes that the purchase or contract to purchase was finalized prior to the expiration of the [ninety-day] **one hundred eighty-day period**.

2. As used in this section, the term "boat" includes all motorboats and vessels, as the terms "motorboat" and "vessel" are defined in section 306.010, RSMo.

3. As used in this section, the term "motor vehicle" includes motor vehicles as defined in section 301.010, RSMo, recreational vehicles as defined in section 700.010, RSMo, or a combination of a truck as defined in section 301.010, RSMo, and a trailer as defined in section 301.010, RSMo.

4. The provisions of subsection 1 of this section shall not apply to retail sales of manufactured homes in which the purchaser receives a document known as the "Manufacturer's Statement of Origin" for purposes of obtaining a title to the manufactured home from the department of revenue of this state or from the appropriate agency or officer of any other state."; and

144.027. 1. When a motor vehicle, trailer, boat or outboard motor for which all sales or use tax has been paid is replaced due to theft or a casualty loss in excess of the value of the unit, the director shall permit the amount of the insurance proceeds plus any owner's deductible obligation, as certified by the insurance company, to be a credit against the purchase price of another motor vehicle, trailer, boat or outboard motor which is purchased **or is contracted to purchase** within [ninety] **one hundred eighty** days of the date of payment by the insurance company as a replacement motor vehicle, trailer, boat or outboard motor. As used in this section, the term "boat" includes all motorboats and vessels, as the terms "motorboat" and "vessel" are defined in section 306.010, RSMo.

2. If the owner of a motor vehicle, trailer, boat or outboard motor as described in subsection 1 of this section does not have insurance coverage for the motor vehicle, trailer, boat or outboard motor, the director shall permit the fair market value of the motor vehicle, trailer, boat or outboard motor as determined by the Kelly Blue Book, NADA Used Car Guide, Abos Blue Book or the average of two appraisals from licensed motor vehicle or boat dealers to be a credit against the purchase price of a replacement motor vehicle, trailer, boat or outboard motor which is purchased **or is contracted to purchase** within [ninety] **one hundred eighty** days of the date of such loss as certified by a law enforcement agency or such other evidence as the director may require as proof of the date of loss of the motor vehicle, trailer, boat or outboard motor.

And amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 936, Page 1, In the Title, Line 3, by deleting the word and number "and 144.030"; and

Further amend said bill, Page 1, In the Title, Line 4, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting all of said line and inserting in lieu thereof the following: "144.010, 144.015, 144.030 and 321.242, RSMo Supp. 1997, are repealed and nine new sections enacted"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after the number "144.655" the following: ", 321.242"; and

Further amend said bill, page 19, Section 144.655, Line 48, by inserting after all of said line the following:

"321.242. 1. The governing body of any fire protection district [which operates within and has boundaries identical to a city with a population of at least thirty thousand but not more than thirty-five thousand inhabitants which is located in a county of the first classification, excluding a county of the first classification having a population in excess of nine hundred thousand,] **or the governing body of any municipality having a municipal fire department** may impose a sales tax in an amount of up to one-fourth of one percent on all retail sales made in such fire protection district **or municipality** which are subject to taxation [under] **pursuant to** the provisions of sections 144.010 to 144.525, RSMo. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed [under] **pursuant to** the provisions of this section shall be effective unless the governing body of the fire protection district **or municipality** submits to the voters of [the] **such** fire protection district **or municipality**, at a county or state general, primary or special election, a proposal to authorize the governing body of the fire protection district **or municipality** to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall [the fire protection district of] [(district's name)] **(insert name of district or municipality)** impose a [district-wide] sales tax of **(insert rate of tax)** for the purpose of providing revenues for the operation of the **(insert fire protection district or municipal fire department)?**

[] Yes [] No

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the fire protection district **or municipality** shall not impose the sales tax authorized in this section unless and until the governing body of [the] **such** fire protection district **or municipality** resubmits a proposal to authorize the governing body of the fire protection district **or municipality** to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a fire protection district **or municipality** from the tax authorized [under] **pursuant to** the provisions of this section shall be deposited in a special trust fund and shall be used solely for the operation of the fire protection district **or the municipal fire department**.

4. All sales taxes collected by the director of revenue [under] **pursuant to** this section on behalf of any fire protection district **or municipality**, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Fire Protection [District] Sales Tax Trust Fund". **Any moneys in the fire protection district sales tax trust fund created prior to the effective date of this section shall be transferred to the fire protection sales tax trust fund.** The moneys in the fire protection [district] sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue

shall keep accurate records of the amount of money in the trust **fund** and [which was] **of the amounts which were** collected in each fire protection district **or municipality** imposing a sales tax [under] **pursuant to** this section, and the records shall be open to the inspection of officers of the fire protection district **or municipality** and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the fire protection district **or municipality** which levied the tax. Such funds shall be deposited with the treasurer of each such fire protection district **or municipality**, and all expenditures of funds arising from the fire protection [district] sales tax trust fund shall be for the operation of the fire protection district **or the municipal fire department** and for no other purpose.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any fire protection district **or municipality** for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such fire protection districts **or municipalities**. If any fire protection district **or municipality** abolishes the tax, the fire protection district **or municipality** shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such fire protection district **or municipality**, the director of revenue shall remit the balance in the account to the fire protection district **or municipality** and close the account of that fire protection district **or municipality**. The director of revenue shall notify each fire protection district **or municipality** of each instance of any amount refunded or any check redeemed from receipts due the fire protection district **or municipality**. In the event a tax within a fire protection district is approved [under] **pursuant to** this section, and such fire protection district is dissolved, since the boundaries of the fire protection district are identical to that of the city, the tax shall continue and proceeds shall be distributed to the governing body of the city formerly containing the fire protection district and the proceeds of the tax shall be used for fire protection services within such city.

6. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed [under] **pursuant to** this section."

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Bill No. 936, Page 16, Section 144.030, Line 280, by deleting the period "." at the end of said line and inserting in lieu thereof the following: ";

(42) All sales of computers and computer-related equipment purchased for use by businesses who transport new class 6, 7 and 8 commercial vehicles."

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 936, Page 15, Section 144.030, Lines 241 and 242, by inserting after the word "mandate" the following: "."; and

Further amend said bill, Page 15, Section 144.030, Line 242, by deleting the following "or technological change".

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Bill No. 936, Page 15, Section 144.030.2.(33), Line 227, by inserting immediately after the word "crops," the following: "aquiculture,".

HOUSE AMENDMENT NO. 16

Amend House Committee Substitute for Senate Bill No. 936, Page 16, Section 144.030, Line 255, by inserting after said line the following:

"(39) All sales of coffins, caskets, burial cases and burial vaults;"; and renumbering all the following sections".

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Bill No. 936, Page 12, Section 144.030, Line 119, by inserting after the word disabilities; other durable medical equipment (DME) that is purchased as a result of a physicians order.

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Bill No. 936, Page 12, Section 144.030, Line 119, by inserting after the word "**disabilities**" the words "**or over-the-counter or non-prescription drugs**".

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Bill No. 936, Page 19, Section 1, Line 14, by inserting after all of said line the following:

"Section 2. In addition to the exemptions granted under the provisions of section 144.030, there shall also be specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745, and from the computation of the tax levied, assessed or payable under the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745, purchases of any item of tangible personal property which is, within one year of such purchase, donated without charge to the state of Missouri. The exemption prescribed in this section includes purchases of all items of tangible personal property converted into an item donated as a gift to the state of Missouri."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 21

Amend House Committee Substitute for Senate Bill No. 936, Page 13, Section 144.014, Line 152, by inserting after the word "tractors" the following: ", mechanized post hole diggers,".

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HB 1694**, as amended: Senators Maxwell, Caskey, McKenna, Flotron and Westfall.

CONFERENCE COMMITTEE REPORTS

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 910**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 910

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Substitute for Senate Bill No. 910; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 910;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 910;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 910 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Harold Caskey
 /s/ Bill McKenna
 /s/ John E. Scott
 /s/ Morris Westfall
 /s/ Anita Yeckel

FOR THE HOUSE:

/s/ Pat Dougherty
 /s/ Marsha Campbell
 /s/ Ralph Monaco
 /s/ Luann Ridgeway
 /s/ Michael R. Gibbons

Senator Mathewson assumed the Chair.

Senator Caskey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senator Russell--1			
Absent--Senator Lybyer--1			
Absent with leave--Senators--None			

On motion of Senator Caskey, **CCS** for **HCS** for **SS** for **SB 910**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
 FOR HOUSE COMMITTEE SUBSTITUTE
 FOR SENATE SUBSTITUTE FOR
 SENATE BILL NO. 910

An Act to repeal sections 104.540, 210.826, 210.830, 435.405, 452.150, 452.300, 452.310, 452.355, 452.360, 452.376, 452.377, 452.405, 452.411, 452.416, 452.600, 452.605 and 454.432, RSMo 1994, and sections 193.215, 210.822, 287.820, 452.305, 452.315, 452.330, 452.340, 452.370, 452.375, 452.400, 452.423, 452.490, 454.390, 454.408, 454.413, 454.440, 454.455, 454.460, 454.490, 454.505, 476.688 and 487.030, RSMo Supp. 1997, relating to child custody and child support proceedings, and to enact in lieu thereof fifty-five new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 487**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 487

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Bill No. 487, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9 and House Amendment No. 10; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 487, as amended;
2. That the Senate recede from its position on Senate Bill No. 487;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 487 be adopted;
4. That the Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 487 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode

FOR THE HOUSE:

/s/ Ron Auer

/s/ William Clay
/s/ Jim Mathewson
/s/ Doyle Childers
/s/ Morris Westfall

/s/ Charlie Fritts
/s/ Patrick J. O'Connor
/s/ Ken Legan
/s/ Gary Burton

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	House	Howard	Jacob
Johnson	Klarich	Lybyer	Mathewson
Maxwell	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			
NAYS--Senators			
Flotron	Graves	Kenney--3	
Absent--Senators			
Kinder	McKenna--2		
Absent with leave--Senators--None			

On motion of Senator Goode, **CCS** for **HS** for **HCS** for **SB 487**, entitled:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 487

An Act to repeal sections 144.025 and 301.640, RSMo 1994, and sections 301.344, 304.155, 304.156, 304.157 and 304.158, RSMo Supp. 1997, relating to the removal of abandoned property, and to enact in lieu thereof nine new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	House	Howard	Jacob
Johnson	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Westfall
Wiggins--25			
NAYS--Senators			
Flotron	Graves	Kenney	Klarich
Lybyer	Staples--6		

Absent--Senators

Kinder

McKenna

Yeckel--3

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Maxwell moved that the Senate refuse to concur in **HS** for **SB 743** and request the House to recede from its position or failing to do so, grant the Senate a conference thereon, and further that the Senate conferees be allowed to exceed the differences, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Schneider moved that **HB 1668**, with **SCS** (pending), be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Schneider requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senators Schneider, Childers, Bentley and Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1668, Page 2, Section 190.375, Lines 23-24, by striking from said lines the words "first responder"; and further amend said page and section, line 24, by striking the word "lay"; and

Further amend said page and section, line 25, by inserting immediately after the word "person" the following: "**properly qualified who follows medical protocol for use of the device**"; and

Further amend said page and section, lines 42-43, by striking the words "direction and prescribe" and inserting in lieu thereof the words "**protocol for**".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider moved that **SCS** for **HB 1668**, as amended, be adopted, which motion prevailed.

On motion of Senator Schneider, **SCS** for **HB 1668**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall

Wiggins

Yeckel--34

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HS for HCS for HBs 1405, 1109 and 1335, with SCS, entitled:

An Act to repeal sections 566.617, 589.400, 589.407, 589.410, 589.414, 589.417 and 589.425, RSMo Supp. 1997, and to enact in lieu thereof nineteen new sections relating to the civil commitment of sexual predators, with penalty provisions and an effective date.

Was taken up by Senator Maxwell.

SCS for HS for HCS for HBs 1405, 1109 and 1335, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1405, 1109 and 1335

An Act to repeal sections 566.617, 589.400, 589.407, 589.410, 589.414, 589.417 and 589.425, RSMo Supp. 1997, and to enact in lieu thereof nineteen new sections relating to the civil commitment of sexual predators, with penalty provisions and an effective date.

Was taken up.

Senator Maxwell moved that **SCS for HS for HCS for HBs 1405, 1109 and 1335** be adopted.

Senator Maxwell offered **SS for SCS for HS for HCS for HBs 1405, 1109 and 1335, entitled:**

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1405, 1109 and 1335

An Act to repeal sections 566.617, 589.400, 589.407, 589.410, 589.414, 589.417 and 589.425, RSMo Supp. 1997, and

to enact in lieu thereof eighteen new sections relating to the registration and civil commitment of certain persons, with penalty provisions and an effective date.

Was taken up.

Senator Maxwell moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 1405, 1109 and 1335** be adopted.

Senator Schneider offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1405, 1109 and 1335, Page 14, Section 6, Lines 21 and 22, by deleting the following: "at a facility operated".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Maxwell, **HS** for **HCS** for **HBs 1405, 1109 and 1335**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

CONFERENCE COMMITTEE REPORTS

Senator House, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 781**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 781

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781 with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Substitute Amendment No. 1 for House Amendment No. 8, House Amendment No. 9, House Amendment No. 10, House Amendment No. 12, House Amendment No. 13, House Amendment No. 14, House Amendment No. 15, House Amendment No. 16, House Amendment No. 17, House Amendment No. 18, House Amendment No. 20, House Amendment No. 22, House Substitute Amendment No. 1 for House Amendment No. 23, House Amendment No. 25, House Amendment No. 26, House Substitute Amendment No. 1 for House Amendment No. 27, House Amendment No. 29, House Amendment No. 30 and House Amendment No. 36; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 781; and

3. That the Conference Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 781 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Ted House
/s/ Harold Caskey
/s/ William Clay
/s/ Steve Ehlmann
/s/ Franc Flotron

FOR THE HOUSE:

/s/ Stephen Stoll
/s/ Steve McLuckie
/s/ Charles Q. Troupe
/s/ Charlie Shields
/s/ Delbert Scott

President Pro Tem McKenna assumed the Chair.

Senator House moved that the above conference committee report be adopted.

At the request of Senator House, the above motion was withdrawn.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HB 1510**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 1510**, entitled:

An Act to repeal sections 50.500, 447.503, 447.505, 447.506, 447.510, 447.517, 447.520, 447.527, 447.530, 447.532, 447.533, 447.535, 447.539, 447.540, 447.541, 447.543, 447.545, 447.558, 447.559, 447.560, 447.565, 447.571, 447.572 and 447.577, RSMo 1994, relating to the disposition of unclaimed property, and to enact in lieu thereof twenty-four new sections relating to the same subject.

Was taken up by Senator Goode.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1510, Page 3, Section 447.503, Line 40, by inserting after the period "." the following: "**The holder may treat notices regarding the unclaimed property as satisfying the "reasonable and necessary standard" for contacting owners.**"; and

Further amend said bill, Page 11, Section 447.539, Line 75, by striking the words "based on the reasonable application of the techniques to the contested issues".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Goode, **HCS** for **HB 1510**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode

Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins--30		
	NAYS--Senator Mueller--1		
	Absent--Senators		
Clay	Curls	Yeckel--3	
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Caskey moved that the vote by which **SCS** for **HB 1880** failed on 3rd reading and final passage be reconsidered, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Schneider	Scott	Wiggins
Yeckel--25			
	NAYS--Senators		
Banks	Kenney	Rohrbach	Russell
Sims	Singleton	Westfall--7	
	Absent--Senators		
Clay	Staples--2		
	Absent with leave--Senators--None		

At the request of Senator Schneider, the motion for 3rd reading and final passage was withdrawn, placing the bill back on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 619**, as amended, entitled:

An Act to repeal sections 142.009, 142.010, 142.020, 142.025, 142.030, 142.040, 142.050, 142.060, 142.070, 142.080, 142.090, 142.100, 142.110, 142.120, 142.130, 142.140, 142.150, 142.160, 142.165, 142.166, 142.167, 142.170, 142.180, 142.190, 142.200, 142.210, 142.220, 142.230, 142.240, 142.250, 142.260, 142.270, 142.280, 142.290, 142.295, 142.300, 142.330, 142.340, 142.350, 142.362, 142.364, 142.366, 142.372, 142.374, 142.403, 142.404,

142.406, 142.412, 142.422, 142.432, 142.442, 142.452, 142.462, 142.466, 142.472, 142.482, 142.492, 142.511, 142.513, 142.515, 142.517, 142.521, 142.531, 142.541, 142.551, 142.561, 142.563, 142.571, 142.573, 142.575, 142.577, 142.579, 142.583, 142.584, 142.591, 142.611, 142.617, 142.621, 155.080, 414.102, 414.400, 414.403, 414.410, 414.412 and 414.415, RSMo 1994, and section 319.132, RSMo Supp. 1997, relating to motor fuel, and to enact in lieu thereof sixty-four new sections relating to the same subject, with penalty provisions and an effective date.

With House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2; House Amendments Nos. 3, 4, 5 and 6.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 619, Page 1, In the Title, Line 19 of said page, by deleting the word and number "and 414.415" and inserting in lieu thereof the following: ", 414.415 and 643.310"; and

Further amend said bill, Page 1, In the Title, Line 21 of said page, by deleting the word "sixty-four" and inserting in lieu thereof the word "sixty-five"; and

Further amend said bill, Page 2, Section A, Line 12 of said page, by deleting the word and number "and 414.415" and inserting in lieu thereof the following: ", 414.415 and 643.310"; and

Further amend said bill, Page 2, Section A, Line 13 of said page, by deleting the word "sixty-four" and inserting in lieu thereof the word "sixty-five"; and

Further amend said bill, Page 3, Section A, Line 1 of said page, by deleting the word "and"; and

Further amend said bill, Page 3, Section A, Line 2 of said page, by deleting the number "414.415" and inserting in lieu thereof the following: ", 414.415 and 643.310"; and

Further amend said bill, Page 126, Section 414.415, Line 21 of said page, by inserting after all of said line the following:

"643.310. 1. The commission may, by rule, establish a motor vehicle emissions inspection program under sections 643.300 to 643.355 for any portion of a nonattainment area located within the area described in subsection 1 of section 643.305, except for any portion of the nonattainment area which is located in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census, if the commission determines that such motor vehicle emissions inspection program is necessary in that area to comply with the requirements of subsection 1 of section 643.305[, except that no motor vehicle emission inspection program shall be established under this section in any area for which the sale or dispensing of conventional gasoline for use in motor vehicles is prohibited under the federal Clean Air Act, as amended, 42 U.S.C. 7545]. The commission shall ensure that, for each nonattainment area, the state implementation plan established under subsection 1 of section 643.305 incorporates and receives all applicable credits allowed by the United States Environmental Protection Agency for emission reduction programs in other nonattainment areas of like designation in other states. The commission shall ensure that emission reduction amounts established under subsection 2 of section 643.305 shall be consistent with and not exceed the emissions reduction amounts required by the United States Environmental Protection Agency for other nonattainment areas of like designation in other states. No motor vehicle emissions inspection program shall be required to comply with subsection 1 of section 643.305 unless the plan established thereunder takes full advantage of any changes in requirements or any agreements made or entered into by the United States Environmental Protection Agency and any entity or entities on behalf of a nonattainment area concerning compliance with National Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder. The air conservation commission shall request and it shall be the duty of the attorney general to bring, in a court of competent jurisdiction, an action challenging the authority of the United States Environmental Protection Agency to impose sanctions for failure to attain National Ambient Air

Quality Standards and failure to provide for required emission reductions under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. The action shall seek to define the required emission reductions and the credits allowed for current and planned emission reductions measures. The air conservation commission shall request and it shall be the duty of the attorney general to bring an action to obtain injunctive relief to enjoin and restrain the imposition of sanctions on the state of Missouri under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., until all actions initiated under this section have been decided. Provisions of section 307.366, RSMo, to the contrary notwithstanding, the requirements of sections 643.300 to 643.355 shall apply to those areas designated by the commission under this section in lieu of the provisions of section 307.366, RSMo.

2. The department shall contract with one or more persons to provide any motor vehicle emissions inspection program established under sections 643.300 to 643.355.

3. The department may purchase the motor vehicle emissions inspection facilities pursuant to appropriations specifically provided for that purpose. The department may lease, sublease or license the facilities to the contractor or contractors for the purpose of fulfilling the obligations of the contract for the motor vehicle emissions inspection program.

4. The inspection program shall satisfy the following criteria:

(1) There shall be an adequate number of stations to ensure that no more than twenty percent of all persons residing in an affected nonattainment area reside farther than five miles from the nearest inspection station, and consideration shall be given to employment, locations and commuting patterns when selecting the locations of the stations;

(2) There shall be an adequate number of inspection lanes at each facility so that no more than five percent of all persons having an inspection are required to wait more than fifteen minutes before the inspection begins;

(3) The days and daily hours of operation shall include at least those hours specified by the department, which shall include, at a minimum, twelve continuous hours of operation on all weekdays excepting federal holidays, and six continuous hours of operation on all Saturdays excepting federal holidays;

(4) The emissions inspection program shall include a simulated on-road emissions inspection component, including pressure and purge tests, which satisfies the requirements established by regulation of the United States Environmental Protection Agency and may include a visual inspection component;

(5) The inspection stations shall be test-only stations and shall not offer motor vehicle emissions repairs, parts or services of any kind;

(6) No person operating or employed by an emissions inspection station shall repair or maintain motor vehicle emission systems or pollution control devices for compensation of any kind.

5. The commission, the department of economic development and the office of administration shall, in cooperation with the minority business advocacy commission, select the contractor or contractors to provide an inspection program which satisfies the minimum requirements of this section in accordance with the requirements of section 33.752, RSMo, and chapter 34, RSMo. The commission, the office of administration and the department of economic development, in cooperation with the minority business advocacy commission shall ensure adequate minority business participation in the selection of the contractor or contractors to provide an inspection program under this section. The commission, the office of administration and the department of economic development shall ensure adequate participation of Missouri businesses in the selection of the contractor or contractors to provide an inspection program under this section.

6. With approval of the commission and under rules adopted by the commission, an organization whose members are motor vehicle dealers or leasing companies may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned and held for sale or lease by the members of the organization. With approval of the commission and under rules adopted by the commission, any person operating a fleet of five hundred or more motor vehicles may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned or leased and operated by the person establishing the facility. The inspections performed in facilities established under this subsection

shall be performed by a contractor selected by the commission under this section and the contractor performing such inspections shall be responsible solely to the department and shall satisfy all applicable requirements of sections 643.300 to 643.355.

7. Any person who owns Missouri analyzer system emission inspection equipment as defined by rule, used to provide emissions inspections under section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established under sections 643.300 to 643.355 may, within twelve months of the implementation of an emissions inspection program under sections 643.300 to 643.355, sell such equipment, to the department of natural resources at current market value as established by an independent appraisal provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall purchase such equipment using funds appropriated for that purpose from the Missouri air emission reduction fund. Any person who, prior to January 1, 1992, contracted to lease or lease purchase, or purchased by borrowing a portion of the funds secured by a chattel mortgage, Missouri Analyzer System emission inspection equipment used to provide emissions inspections under section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established under sections 643.300 to 643.355, and has made all payments required under the contract, may, within twelve months of the implementation of an emissions inspection program under sections 643.300 to 643.355, request the department of natural resources to take possession of such equipment and assume all payment obligations owed on such equipment which obligations are not in excess of one hundred and twenty-five percent of the current market value as established by an independent appraisal, provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall take possession of such equipment and pay such obligations using funds appropriated for that purpose from the Missouri air emission reduction fund.

8. If the governor applies to the administrator of the Environmental Protection Agency to require federal reformulated gasoline in nonattainment areas, nothing in sections 643.300 to 643.355 shall prevent the storage of conventional gasoline in nonattainment areas which is intended for sale to agricultural, commercial or retail customers outside said nonattainment areas subject to reformulated gasoline.

9. The governor, the department of natural resources, and the commission shall work to ensure an orderly transition period in the nonattainment area for the introduction of reformulated gasoline. Priority shall be given to ensure the petroleum refiners ample time to organize, structure, and implement both the production and the delivery of reformulated gasoline to the nonattainment area, so that consumers will see an orderly, seamless market substitution."

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 619, Page 126, Section 414.415, Line 21 of said page, by inserting immediately after all of said line the following:

"Section 1. The air conservation commission may establish, by rule, a state reformulated gasoline program to prohibit the sale or dispensing of conventional gasoline for use in motor vehicles. If established, such program shall be implemented and dispensing reformulated gasoline at the retail level in the nonattainment area described in section 643.305, RSMo, by June 1, 1999, and shall be at least as effective in improving air quality as the federal reformulated gasoline program, 42 U.S.C. 7545. Any reformulated gasoline program established pursuant to this section shall not preclude the use of ethanol." ; and

Further amend said bill in the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 3

House Substitute for House Committee Substitute for Senate Bill No. 619, Page 1, In the Title, Line 18, by deleting the figure "155.080" and inserting in lieu thereof the following: "155.010, 155.080, 305.230"; and

Further amend said bill, Page 1, In the Title, Line 19, by deleting the word "section" and inserting in lieu thereof the following: "sections 144.805 and"; and

Further amend said bill, Page 1, In the Title, Line 20, by inserting immediately before the word "relating" the following: "and section 17 as enacted by conference committee substitute for house committee substitute for senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly,"; and

Further amend said bill, Page 1, In the Title, Line 21, by deleting the word "sixty-four" and inserting in lieu thereof the word "sixty-seven"; and

Further amend said bill, Page 1, In the Title, Line 24, by inserting immediately after the word "date" the words "and an expiration date for certain sections"; and

Further amend said bill, Page 2, Section A, Line 11, by deleting the figure "155.080" and inserting in lieu thereof the following: "155.010, 155.080, 305.230"; and

Further amend said bill, Page 2, Section A, Line 12, by deleting the word "section" and inserting in lieu thereof the following: "sections 144.805 and"; and

Further amend said bill, Page 2, Section A, Line 13, by inserting immediately before the word "are" the following: "and section 17 as enacted by conference committee substitute for house committee substitute for senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly,"; and

Further amend said bill, Page 2, In the Title, Line 13, by deleting the word "sixty-four" and inserting in lieu thereof the word "sixty-seven"; and

Further amend said bill, Page 3, Section A, Line 1, by deleting the figure "155.080" and inserting in lieu thereof the following: "144.805, 155.010, 155.080, 305.230"; and

Further amend said bill, Page 111, Section 142.953, Line 4, by inserting immediately after all of said line the following:

"144.805. 1. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section 32.085, RSMo, and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525, sections 144.600 to 144.748, and section 238.235, RSMo, and the provisions of any local sales tax law, as defined in section 32.085, RSMo, all sales of aviation jet fuel in a given calendar year to common carriers engaged in the interstate air transportation of passengers and cargo, and the storage, use and consumption of such aviation jet fuel by such common carriers, if such common carrier has first paid to the state of Missouri, in accordance with the provisions of this chapter, state sales and use taxes pursuant to the foregoing provisions and applicable to the purchase, storage, use or consumption of such aviation jet fuel in a maximum and aggregate amount of one million five hundred thousand dollars of state sales and use taxes in such calendar year.

2. To qualify for the exemption prescribed in subsection 1 of this section, the common carrier shall furnish to the seller a certificate in writing to the effect that an exemption pursuant to this section is applicable to the aviation jet fuel so purchased, stored, used and consumed. The director of revenue shall permit any such common carrier to enter into a direct pay agreement with the department of revenue, pursuant to which such common carrier may pay directly to the department of revenue any applicable sales and use taxes on such aviation jet fuel up to the maximum aggregate amount of one million five hundred thousand dollars in each calendar year. The director of revenue shall adopt appropriate rules and regulations to implement the provisions of this section, and to permit appropriate claims for refunds of any excess sales and use taxes collected in calendar year 1993 or any subsequent year with respect to any such common carrier and aviation jet fuel.

3. The provisions of this section shall apply to all purchases and deliveries of aviation jet fuel from and after May 10, 1993.

4. Effective September 1, 1998, all sales and use tax revenues upon aviation jet fuel received pursuant to chapter 144, RSMo, less the amounts specifically designated pursuant to the constitution or pursuant to section 144.701, for other purposes, shall be deposited to the credit of the aviation trust fund established pursuant to section 305.230, RSMo; provided however, the amount of such state sales and use tax revenues deposited to the credit of such aviation trust fund shall not exceed five million dollars in each calendar year.

5. The provisions of sections 144.805 and 144.807 shall expire on December 31, [2001] **2003**."

155.010. As used in this chapter, the following terms mean:

- (1) "Aircraft", any contrivance now known, or hereafter invented, used or designed for navigation of, or flight in, the air;
- (2) "Airline company", any person, firm, partnership, corporation, trustee, receiver or assignee, and all other persons, whether or not in a representative capacity, undertaking to engage in the carriage of persons or cargo for hire by commercial aircraft pursuant to certificates of convenience and necessity issued by the federal Civil Aeronautics Board, or successor thereof, or any noncertificated air carrier authorized to engage in irregular and infrequent air transportation by the federal Civil Aeronautics Board, or successor thereof;
- (3) "Aviation fuel", any fuel specifically compounded for use in reciprocating aircraft engines;
- (4) "Commercial aircraft", aircraft fully equipped for flight and of more than [ten] **seven** thousand pounds maximum certified gross take-off weight."; and

Further amend said bill, Page 112, Section 155.080, Line 16, by inserting immediately after all of said line the following:

"305.230. 1. The state highways and transportation commission shall administer an aeronautics program within this state. The state commission shall encourage, foster and participate with the political subdivisions of this state in the promotion and development of aeronautics. The state commission may provide financial assistance in the form of grants from funds appropriated for such purpose to any political subdivision **or instrumentality** of this state acting independently or jointly **or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration** for the planning, acquisition, construction, improvement or maintenance of airports, or for other aeronautical purposes.

2. Any political subdivision **or instrumentality** of this state **or the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration** receiving state funds for the purchase, construction, or improvement, except maintenance, of an airport shall agree before any funds are paid to it to control by ownership or lease the airport for a period equal to the useful life of the project as determined by the state commission following the last payment of state or federal funds to it. In the event an airport authority ceases to exist for any reason, this obligation shall be carried out by the governing body which created the authority.

3. Unless otherwise provided, grants to political subdivisions, **instrumentalities or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration** shall be made from the aviation trust fund. **In making grants, the commission shall consider whether the local community has given financial support to the airport in the past. Priority shall be given to airports with local funding for the past five years with no reduction in such funding.** The aviation trust fund is a revolving trust fund exempt from the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue funds of the state by the state treasurer. All interest earned upon the balance in the aviation trust fund shall be deposited to the credit of the same fund.

4. The moneys in the aviation trust fund shall be administered by the state commission and, when appropriated, shall be used for the following purposes:

- (1) As matching funds on an up to eighty percent state/twenty percent local basis, except in the case where federal funds are being matched, when the ratio of state and local funds used to match the federal funds shall be fifty percent

state/fifty percent local:

- (a) For preventive maintenance of runways, taxiways and aircraft parking areas, and for emergency repairs of the same;
- (b) For the acquisition of land for the development and improvement of airports;
- (c) For the earthwork and drainage necessary for the construction, reconstruction or repair of runways, taxiways, and aircraft parking areas;
- (d) For the construction, or restoration of runways, taxiways, or aircraft parking areas;
- (e) For the acquisition of land or easements necessary to satisfy Federal Aviation Administration safety requirements;
- (f) For the identification, marking or removal of natural or manmade obstructions to airport control zone surfaces and safety areas;
- (g) For the installation of runway, taxiway, boundary, ramp, or obstruction lights, together with any work directly related to the electrical equipment;
- (h) For the erection of fencing on or around the perimeter of an airport;
- (i) For purchase, installation or repair of air navigational and landing aid facilities and communication equipment;
- (j) For engineering related to a project funded under the provisions of this section and technical studies or consultation related to aeronautics;
- (k) For airport planning projects including master plans and site selection for development of new airports, for updating or establishing master plans and airport layout plans at existing airports;
- (l) For the purchase, installation, or repair of safety equipment and such other capital improvements and equipment as may be required for the safe and efficient operation of the airport;

(2) As total funds, with no local match:

- (a) For providing air markers, windsocks, and other items determined to be in the interest of the safety of the general flying public;
- (b) For the printing and distribution of state aeronautical charts and state airport directories on an annual basis, and a newsletter on a quarterly basis or the publishing and distribution of any public interest information deemed necessary by the state commission;
- (c) For the conducting of aviation safety workshops;
- (d) For the promotion of aerospace education[.];

(3) As total funds with no local match, up to five hundred thousand dollars per year may be used for the cost of operating existing air traffic control towers that do not receive funding from the Federal Aviation Administration or the Department of Defense, except no more than one hundred twenty-five thousand dollars per year may be used for any individual control tower.

5. [The general assembly may appropriate to the aviation trust fund an amount not to exceed five million dollars in each fiscal year for the purposes of this section. If on January thirty-first of any year, the unobligated balance of the aviation trust fund exceeds five million dollars, no appropriation shall be made for the following fiscal year.] **In the event of a natural or manmade disaster which closes any runway or renders inoperative any electronic or visual landing aid at an airport, any funds appropriated for the purpose of capital improvements or maintenance of airports may be made immediately available for necessary repairs once they are approved by the Missouri department of**

transportation. For projects designated as emergencies by the Missouri department of transportation, all requirements relating to normal procurement of engineering and construction services are waived.

6. As used in this section, the term "instrumentality of the state" shall mean any state educational institution as defined in section 176.010, RSMo, or any state agency which owned or operated an airport on January 1, 1997, and continues to own or operate such airport."; and

Further amend said bill, Page 213, Section 142.621, Line 10, by inserting immediately after all of said line the following:

"[Section 17. 1. The task force on trade and investment within the department of economic development and the state highways and transportation commission, or its designee within the department of transportation, shall identify those airports that are crucial to the overall economic development of the state, and assist those airports to better promote travel, education, trade and commerce as it relates to the economic development of the state. Such airports shall include but not be limited to any privately owned airports designated as reliever airports by the Federal Aviation Administration, any airports owned by an instrumentality of the state, including any state agency which owns or operates an airport as of January 1, 1997, or any state educational institution as defined in section 176.010, RSMo.

2. Those airports identified pursuant to subsection 1 of this section shall be eligible to apply for grants from the aviation trust fund, pursuant to the conditions established in section 305.230, RSMo.]".

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 619, Page 25, Section 142.815, Line 3, by inserting after the word "consumer" the following: ",except as provided for in subsection (1) of this section," and

Further amend said bill and page, section 142.815, line 8, by inserting after the word "purposes" the following: ", at the discretion of the ultimate vender, the refund may be claimed by the ultimate vender on behalf of the consumer for sales made to farmers and to persons engaged in construction for agricultural purposes as defined in section 142.800".

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Bill No. 619, Page 46, Section 142.830, Lines 9-13, by deleting the following, "Any person operating under revoked status or who is found to have not purchased a trip permit when so required by law, in addition to all other penalties provided by law, shall be assessed a civil penalty of fifty dollars by the director."

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Bill No. 619, Page 1, In the Title, Line 18, by deleting the figure "155.080" and inserting in lieu thereof the following: "155.080, 323.020, 323.060,"; and

Further amend said bill, Page 1, In the Title, Line 21, by deleting the word "sixty-four" and inserting in lieu thereof the word "sixty-six"; and

Further amend said bill, Page 2, Section A, Line 11, by deleting the figure "155.080" and inserting in lieu thereof the following: "155.080, 323.020, 323.060,"; and

Further amend said bill, Page 2, In the Title, Line 13, by deleting the word "sixty-four" and inserting in lieu thereof the word "sixty-six"; and

Further amend said bill, Page 3, Section A, Line 1, by deleting the figure "155.080" and inserting in lieu thereof the following: "155.080, 323.020, 323.060,"; and

Further amend said bill, Page 112, Section 155.080, Line 16, by inserting immediately after all of said line the

following:

"323.020. 1. The director of the department of agriculture shall make, promulgate and enforce regulations setting forth minimum general standards covering the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck, tank trailer, and utilizing liquefied petroleum gases and specifying the odorization of such gases and the degree thereof. The regulations shall be such as are reasonably necessary for the protection of the health, welfare and safety of the public and persons using such materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. Such regulations shall be adopted by the director of the department of agriculture pursuant to chapter 536, RSMo. **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after the effective date of this act. All rulemaking authority delegated prior to the effective date of this act is of no force and effect and repealed as of the effective date of this act, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to the effective date of this act. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to the effective date of this act.**

2. **Except as specifically provided in subsection 1 of section 323.060,** regulations in substantial conformity with the published standards of the National Board of Fire Underwriters for the design, installation and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases as recommended by the National Fire Protection Association shall be deemed to be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

323.060. 1. No person shall engage in this state in the business of selling at retail of liquefied petroleum gas, or in the business of handling or transportation of liquefied petroleum gas over the highways of this state or in the business of installing or servicing equipment and appliances for use with liquefied petroleum gas without having first registered with the director of the department of agriculture. **No person shall engage in this state in the business of selling at retail of liquefied petroleum gas unless such person owns and operates one or more storage tanks located in the state of Missouri with a combined capacity of at least eighteen thousand gallons, except that such storage capacity requirements shall apply only to businesses engaged in bulk sales of liquified petroleum.**

2. Nonresidents of the state of Missouri desiring to engage in the business of distribution of liquefied petroleum gases at retail, or the business of installing, repairing or servicing equipment and appliances for use of liquefied petroleum gases shall comply with sections 323.010 to 323.110 and rules and regulations promulgated thereunder.

3. All utility operations of public utility companies subject to the safety jurisdiction of the public service commission are exempt from the provisions of this section."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House

has adopted **SS** for **SCS** for **HS** for **HCS** for **HBs 1455** and **1463**, as amended, and has again taken up and passed **SS** for **SCS** for **HS** for **HCS** for **HBs 1455** and **1463**, as amended.

Emergency clause adopted.

INTRODUCTIONS OF GUESTS

Senator Yeckel introduced to the Senate, Connie Mlynarczyk, and fifty-four sixth grade students from St. Simon School, St. Louis; and Tim Bowe, Kristen Dlugos, Adam Mlynarczyk and Erica Whitworth were made honorary pages.

Senator Howard introduced to the Senate, Eldonna Carroll, Butler; Barbara Scheidegger, Jefferson City; LuAnn Reese, Bismarck; Bob Fry, Columbia; and Donna Dittrich, Florissant.

Senator Howard introduced to the Senate, Becky Eskew, Bloomfield; and Juanita Jones, Essex.

Senator Kinder introduced to the Senate, the Physician of the Day, Dr. Reno Cova, Cape Girardeau.

On motion of Senator Quick, the Senate adjourned until 9:30 a.m., Thursday, May 14, 1998.

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-SECOND DAY--THURSDAY, MAY 14, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, it seems that for every door that gets closed, You open another one; for every road block, You provide a helpful detour; and for every opportunity lost, You seem to provide a new one. When good people try to do good things You always seem to provide a blessing. We pray for Your help in this place today. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1933, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Glen O. Jenkins, Butler, which was adopted.

Senator Rohrbach, joined by the entire membership of the Senate, offered the following resolution, which was read and adopted:

WHEREAS, there comes a time when each of us must make a major decision regarding the future course of our lives; and

WHEREAS, Mike Hoferkamp, Senate staff attorney, has come to that fork in the road, but instead of stopping for a bite, he has decided to move on in a southwestwardly direction toward the warmer and more arid climes of New Mexico; and

WHEREAS, ever since Mike announced his plans a few weeks ago, rumors have been rampant at the state capitol, but there is absolutely no truth to the speculation that he, Laurie, and Shelby will be making the journey to Albuquerque on their bicycles; and

WHEREAS, Mike joined the Senate Research staff as a fresh graduate of the Valparaiso University Law School with the determination and the drive to eventually become one of the finest bill drafters that the Senate has ever known, an achievement that he has most certainly realized; and

WHEREAS, now a seasoned veteran, Mike has compiled a record of longevity that ranks second only to that of Valentine and Morton who, God knows, have both been here since the Creation; and

WHEREAS, Mike is known by all and envied by many for the outstanding quality of his work which is the direct result of his exceptional ability, his extraordinary knowledge of the subject matter, his meticulous attention to detail, and his general thoroughness in conducting research; and

WHEREAS, as a result of his tireless devotion to duty, Mike Hoferkamp has developed a remarkable degree of expertise in such crucial areas as civil and criminal jurisprudence, drunk driving, HMO regulation, landlord tenant relations, transportation, and insurance and housing:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, join unanimously with his colleagues on the Senate Research staff, all employees of this legislative body, and every one of his many friends at the capitol in expressing deep gratitude to Mike Hoferkamp for his years of dedicated service as a brilliant young attorney and in wishing him well as he seeks new avenues of challenge in both his personal and his professional life; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mike Hoferkamp, as a mark of our esteem for him.

At the request of Senator Sims, the Senate paused in a moment of silence in recognition of the Fiftieth Anniversary of Israel's Independence.

President Wilson assumed the Chair.

PRIVILEGED MOTIONS

Senator Quick moved that the Senate refuse to concur in **HCS** for **SB 936**, as amended, and request the House to recede from its position or failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator McKenna moved that the Senate refuse to concur in **HS** for **HCS** for **SBs 614, 696, 906, 530, 912 and 914**, as amended, and request the House to recede from its position or failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Wiggins moved that **SB 680**, with **HS No. 2** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS No. 2 for **HCS** for **SB 680**, entitled:

**HOUSE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 680**

An Act to repeal sections 347.163, 351.025, 351.165, 351.230, 351.327, 351.596, 354.065 and 359.021, RSMo 1994, and sections 351.017, 351.180, 351.245 and 358.510, RSMo Supp. 1997, relating to business organizations, and to enact in lieu thereof fifteen new sections relating to the same subject.

Was taken up.

Senator Wiggins moved that **HS No. 2** for **HCS** for **SB 680**, as amended, be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Banks	Lybyer--2		
	Absent with leave--Senators--None		

On motion of Senator Wiggins, **HS No. 2** for **HCS** for **SB 680**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Banks	Lybyer--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Mathewson, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 827**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 827

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Bill No. 827, with House Substitute Amendment No. 1 for House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Amendment No. 10, House Amendment No. 11, House Amendment No. 12, House Amendment No. 13, House Substitute Amendment No. 1 for House Amendment No. 14, House Amendment No. 15 and House Amendment No. 16; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 827, as amended;
2. That the Senate recede from its position on Senate Bill No. 827;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 827 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Jim Mathewson
/s/ Mike Lybyer
/s/ John E. Scott
/s/ Doyle Childers
/s/ Betty Sims

FOR THE HOUSE:

/s/ Henry C. Rizzo
/s/ May Scheve
/s/ Joan Bray
/s/ Bonnie Sue Cooper
/s/ Carl M. Vogel

Senator Mathewson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Childers	Clay	Curls
DePasco	Flotron	Goode	House
Howard	Jacob	Johnson	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Russell
Schneider	Scott	Sims	Staples
Wiggins	Yeckel--26		

NAYS--Senators

Caskey	Ehlmann	Graves	Kenney
Rohrbach	Singleton	Westfall--7	
	Absent--Senator Banks--1		
	Absent with leave--Senators--None		

On motion of Senator Mathewson, **CCS** for **HS** for **HCS** for **SB 827**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 827

An Act to repeal sections 32.110, 137.115 and 260.285, RSMo 1994, sections 32.115, 135.110, 447.700, 447.702, 447.704, 447.706 and 447.708, RSMo Supp. 1997, and sections 135.100, 135.208, 135.400, 253.557, 253.559, 620.1023 and 620.1039 as enacted by senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and approved by the governor, relating to tax credits administered by and relating to the department of economic development, and to enact in lieu thereof twenty-one new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Childers	Clay
Curls	DePasco	Flotron	Goode
Howard	Jacob	Johnson	Kinder
Lybyer	Mathewson	Maxwell	Mueller
Quick	Russell	Schneider	Scott
Sims	Staples	Wiggins	Yeckel--24

NAYS--Senators

Caskey	Ehlmann	Graves	House
Kenney	Rohrbach	Singleton	Westfall--8

Absent--Senators

Klarich McKenna--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Caskey requested unanimous consent of the Senate to make the following motions on **CCS** for **HCS** for **SS** for **SB 910** and that they be adopted with one vote, which request was granted.

Having voted on the prevailing side, Senator Caskey moved that the vote by which the motion to reconsider the vote by which **CCS** for **HCS** for **SS** for **SB 910** passed be laid on the table prevailed, be reconsidered; that the vote by which the title to **CCS** for **HCS** for **SS** for **SB 910** be agreed to, prevailed, be reconsidered; and that the vote by which **CCS** for **HCS** for **SS** for **SB 910** was third read and finally passed, be reconsidered, which motions prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Scott	Sims

Singleton
Yeckel--33

Staples

Westfall

Wiggins

NAYS--Senators--None
Absent--Senator Schneider--1
Absent with leave--Senators--None

CCS for **HCS** for **SS** for **SB 910** was taken up.

Senator Caskey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 910, Page 2, Section A, Line 1 of said page, by striking the following: "454.505 and 476.688" and inserting in lieu thereof the following: "454.505, 476.688 and 487.030".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Caskey, **CCS** for **HCS** for **SS** for **SB 910**, as amended, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE BILL NO. 910

An Act to repeal sections 104.540, 210.826, 210.830, 435.405, 452.150, 452.300, 452.310, 452.355, 452.360, 452.376, 452.377, 452.405, 452.411, 452.416, 452.600, 452.605 and 454.432, RSMo 1994, and sections 193.215, 210.822, 287.820, 452.305, 452.315, 452.330, 452.340, 452.370, 452.375, 452.400, 452.423, 452.490, 454.390, 454.408, 454.413, 454.440, 454.455, 454.460, 454.490, 454.505, 476.688 and 487.030, RSMo Supp. 1997, relating to child custody and child support proceedings, and to enact in lieu thereof fifty-five new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks
Clay
Flotron
Howard
Kinder
Maxwell
Rohrbach
Singleton
Yeckel--33

Bentley
Curls
Goode
Jacob
Klarich
McKenna
Schneider
Staples

Caskey
DePasco
Graves
Johnson
Lybyer
Mueller
Scott
Westfall

Childers
Ehlmann
House
Kenney
Mathewson
Quick
Sims
Wiggins

NAYS--Senators--None
Absent--Senator Russell--1
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Maxwell moved that **HS** for **HCS** for **HBs 1405, 1109 and 1335**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HS** for **HCS** for **HBs 1405, 1109 and 1335**, as amended, was again taken up.

Senator Maxwell offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1405, 1109 and 1335, Page 8, Section 589.425, Lines 5-6 of said page, by striking the following: "statutory rape in the second degree, statutory sodomy in the second degree,"; and

Further amend said bill, page 10, section 2, line 19, by inserting after the word "counties" the following: ", **and one member shall be the prosecuting attorney of the county in which the person was convicted or committed pursuant to chapter 552, RSMo**".

Senator Maxwell moved that the above amendment be adopted.

Senator Klarich offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1405, 1109 and 1335, Page 8, Section 589.425, Lines 5-6 of said page, by striking the following: "statutory rape in the second degree, statutory sodomy in the second degree,"; and

Further amend said bill and page, section 2, line 25, of said page, by inserting after the word "general" the following: ", **the prosecuting attorney of the county in which the underlying criminal prosecution occurred**"; and

Further amend said bill and section, page 9, line 17 of said page, by inserting after the word "general" the following: ", **the prosecuting attorney of the county in which the underlying criminal prosecution occurred**"; and

Further amend said bill and section, page 10, lines 14 and 19 of said page, by inserting after the word "general" the following: "**and the prosecuting attorney of the county in which the underlying criminal prosecution occurred**"; and

Further amend said bill, page 10, section 2, line 19, by inserting after the word "counties" the following: ", **and one member shall be the prosecuting attorney of the county in which the person was convicted or committed pursuant to chapter 552, RSMo**"; and

Further amend said bill, page 11, section 3, line 6 of said page, by inserting after the word "general" the following: "**or the prosecuting attorney of the county in which the underlying criminal prosecution occurred**"; and further amend line 9 of said page, by inserting after the word "general" the following: "**or the prosecuting attorney**"; and

Further amend said bill, page 14, section 5, line 8 of said page, by inserting after the word "general" the following: "**or**

the prosecuting attorney"; and

Further amend said bill, page 16, section 7, line 22 of said page, by inserting after the word "general" the following: "**or the prosecuting attorney**"; and

Further amend said bill, page 17, section 8, line 13 of said page, by striking the word "and" and inserting in lieu thereof the following: ", **the prosecuting attorney of the county in which the underlying criminal prosecution occurred**"; and further amend line 15 of said page, by inserting after the word "general" the following: "**or the prosecuting attorney**"; and further amend line 19 of said page, by inserting after the word "petitioner" the following: ", **the prosecuting attorney**"; and further amend lines 20-21 of said page, by striking "attorney general" and inserting in lieu thereof the following: "**state**"; and

Further amend said bill, page 18, section 10, line 20 of said page, by inserting after the word "general" the following: ", **the prosecuting attorney**".

Senator Klarich moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Graves, Ehlmann, Kenney and Mueller.

SSA 1 for SA 2 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Clay	Ehlmann
Flotron	Graves	Kenney	Kinder
Klarich	Mueller	Rohrbach	Russell
Sims	Singleton	Westfall	Yeckel--16
NAYS--Senators			
Banks	Caskey	Curls	DePasco
Goode	House	Howard	Jacob
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Quick	Scott	Staples
Wiggins--17			
Absent--Senator Schneider--1			
Absent with leave--Senators--None			

SA 2 was again taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1405, 1109 and 1335, Page 10, Section 2, Line 9 of said page, by inserting after the word "team" the following: "**consisting of no more than seven members, no more than one each from the department of corrections and the department of mental health, and**".

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Maxwell, **HS** for **HCS** for **HBs 1405, 1109 and 1335**, with **SCS**, **SS** for **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

CONFERENCE COMMITTEE REPORTS

Senator House moved that the conference committee report on **HS** for **HCS** for **SS** for **SCS** for **SB 781** be taken up for adoption, which motion prevailed.

Senator House moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Caskey	Clay	Curls	DePasco
Ehlmann	Flotron	Goode	House
Howard	Jacob	Johnson	Kenney
Kinder	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Schneider
Scott	Sims	Staples	Wiggins--24
NAYS--Senators			
Banks	Bentley	Childers	Graves
Klarich	Rohrbach	Russell	Singleton
Westfall	Yeckel--10		
Absent--Senators--None			
Absent with leave--Senators--None			

Senator House moved that **CCS** for **HS** for **SS** for **SCS** for **SB 781** be read the 3rd time and finally passed.

Senator Scott assumed the Chair.

Senator Johnson assumed the Chair.

At the request of Senator House, the motion for 3rd reading and final passage was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SB 743**, as amended, and grants the Senate a conference thereon, and further the House conferees be allowed to exceed the differences on the emergency clause in the 911 section only.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HS** for **HCS** for **HB 1095** and has taken up and passed **CCS** for **SS** for **SCS** for **HS** for **HCS** for **HB 1095**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **HB 1189** and has taken up and passed **CCS** for **HCS** for **HB 1189**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **HS** for **HCS** for **SB 487** and requests a further conference on **HS** for **HCS** for **SB 487**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 936**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SBs 614, 696, 906, 530, 912** and **914**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SBs 614, 696, 906, 530, 912** and **914**, as amended. Representatives: May (108), Monaco, O'Toole, Richardson and Summers.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 936**, as amended. Representatives: Bray, Van Zandt, Schilling, Gibbons and Hegeman.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 14, 1998

TO THE SENATE OF THE 89th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Bruce C. Scott, 1733 AA Highway, P.O. Box 442, Farmington, St. Francois County, Missouri 63640, as a member of the Peace Officer Standards and Training Commission, for a term ending October 30, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem McKenna referred the above appointment to the Committee on Gubernatorial Appointments.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee, to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SBs 614, 696, 906, 530, 912** and **914**, as amended: Senators McKenna, Schneider, Scott, Flotron and Russell.

Also,

President Pro Tem McKenna appointed the following conference committee, to act with a like committee from the House on **HS** for **SB 743**, as amended: Senators Maxwell, Caskey, Mathewson, Childers and Westfall.

Also,

President Pro Tem McKenna appointed the following conference committee, to act with a like committee from the House on **HCS** for **SB 936**, as amended: Senators Quick, Wiggins, Schneider, Flotron and Russell.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SS** for **SCS** for **HB 1507**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass.

On motion of Senator Quick, the Senate recessed until 1:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem McKenna.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 1935, regarding Mr. Jim Goldammer, Jefferson City, which was adopted.

Senator Jacob offered Senate Resolution No. 1936, regarding McGee Meredith, which was adopted.

Senator Kinder offered Senate Resolution No. 1937, regarding the Good Humor/Breyers Ice Cream Company, which was adopted.

Senator Graves offered Senate Resolution No. 1938, regarding Kari Stockwell, which was adopted.

Senator Sims offered Senate Resolution No. 1939, regarding Matthew D. Ehlen, St. Louis, which was adopted.

Senator Maxwell offered Senate Resolution No. 1940, regarding Justin Mark McAninch, Kirksville, which was adopted.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate grant the House a further conference on **HS** for **HCS** for **SB 487**, as amended, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Wiggins moved that **SS** for **SCS** for **HB 1507**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Wiggins, **SS** for **SCS** for **HB 1507**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller

Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Banks	Curls	Flotron	Staples--4
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator House moved that **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 781** be taken up for 3rd reading and final passage, which motion prevailed.

Senator House moved that **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 781** be read the 3rd time and finally passed.

Senator Johnson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Maxwell assumed the Chair.

Senator Johnson assumed the Chair.

Senator Mueller requested a roll call vote be taken to establish a quorum.

On roll call the following Senators were present:

	YEAS--Senators		
Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
	Childers	Curls--2	
	Absent with leave--Senators--None		

Senator Graves requested unanimous consent that the Senate rear gallery be designated a part of the Senate Floor.

Senator Jacob objected.

Senator Graves was recognized to speak on the bill.

Senator Mathewson assumed the Chair.

Senator Caskey raised the point of order that Senator Graves lost the right to continue speaking when the motion to expand the Chamber was offered.

The point of order was referred to the President Pro Tem, who took it under advisement.

HOUSE BILLS ON THIRD READING

At the request of Senator DePasco, **HB 1352**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Sims, **HCS** for **HB 1536**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Clay, **HS** for **HCS** for **HBs 977** and **1608**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Goode, **HCS** for **HB 1143**, with **SCAs 1** and **2**, was placed on the Informal Calendar.

At the request of Senator Johnson, **HB 1136**, with **SCAs 1, 2** and **3**, was placed on the Informal Calendar.

At the request of Senator Goode, **HB 1144**, with **SCA 1**, was placed on the Informal Calendar.

At the request of Senator DePasco, **HCS** for **HBs 1273, 943** and **1217**, with **SCS**, was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HS** for **HCS** for **HBs 1147, 1435, 1050, 1186** and **1108**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HBs 1147, 1435, 1050, 1186** and **1108**, with **SCS**, entitled:

An Act to repeal sections 195.211, 195.222, 195.223, 195.233, 195.420, 217.362, 311.720, 542.276, 544.376 and 568.045, RSMo 1994, and sections 195.010, 195.017, 195.040, 195.060, 195.100, 195.197, 195.214, 195.400, 195.410, and 570.030, RSMo Supp. 1997, and to enact in lieu thereof thirty-two new sections for the purpose of addressing the controlled substances problem, with penalty provisions.

Was taken up by Senator Wiggins.

SCS for **HS** for **HCS** for **HBs 1147, 1435, 1050, 1186** and **1108**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1147, 1435, 1050, 1186 AND 1108

An Act to repeal sections 195.211, 195.222, 195.223, 195.233, 195.420, 195.509, 217.362, 311.720, 544.376, 568.045 and 569.085, RSMo 1994, and sections 195.010, 195.040, 195.060, 195.100, 195.197, 195.400, 195.410, and 570.030, RSMo Supp. 1997, and to enact in lieu thereof twenty-three new sections for the purpose of addressing the controlled substances problem, with penalty provisions.

Was taken up.

Senator Wiggins moved that **SCS** for **HS** for **HCS** for **HBs 1147, 1435, 1050, 1186 and 1108** be adopted.

Senator Wiggins offered **SS** for **SCS** for **HS** for **HCS** for **HBs 1147, 1435, 1050, 1186 and 1108**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1147, 1435, 1050, 1186 AND 1108

An Act to repeal sections 195.211, 195.222, 195.223, 195.233, 195.420, 217.362, 311.720, 544.376, 568.045 and 569.085, RSMo 1994, and sections 195.010, 195.040, 195.060, 195.100, 195.197, 195.400, 195.410, and 570.030, RSMo Supp. 1997, and to enact in lieu thereof twenty-seven new sections for the purpose of addressing the controlled substances problem, with penalty provisions.

Senator Wiggins moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 1147, 1435, 1050, 1186 and 1108** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SS** for **SCS** for **HS** for **HCS** for **HBs 1147, 1435, 1050, 1186 and 1108** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SS No. 2** for **SCS** for **SB 632**, as amended, and has taken up and passed **CCS** for **HS** for **SS No. 2** for **SCS** for **SB 632**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 487**, as amended: Representatives: Auer, Fritts, O'Connor, Legan and Burton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HB 1301** and has taken up and passed **CCS** for **HB 1301**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HCS** for **HB 1510** and has again taken up and passed **HCS** for **HB 1510** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SB 827** and has taken up and passed **CCS** for **HS** for **HCS** for **SB 827**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HB 1507**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SB 743**, as amended: Representatives: Hoppe, Foley, Mays (50), Griesheimer and Ross.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1668**, as amended, and has again taken up and passed **SCS** for **HB 1668**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

adopted the Conference Committee Report on **SS** for **SCS** for **HS** for **HB 1694** and has taken up and passed **CCS** for **SS** for **SCS** for **HS** for **HB 1694**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1683**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 1683**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SB 778** and has taken up and passed **CCS No. 2** for **HCS** for **SB 778**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SCS** for **SB 561**, entitled:

An Act to repeal sections 191.850, 191.857, 191.858 and 191.859, RSMo 1994, relating to services for the blind or visually impaired, and to enact in lieu thereof six new sections relating to the same subject, with an effective date.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, 7 and 8.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 561, Page 1, In the Title, Line 5, by deleting the word "six" and inserting in lieu thereof the word "eight"; and

Further amend said bill, Page 1, Section A, Line 11, by deleting the word "six" and inserting in lieu thereof the word "eight"; and

Further amend said bill, Page 1, Section A, Line 13, by deleting the word and number "and 1" and inserting in lieu thereof the following: ", 1, 2 and 3"; and

Further amend said bill, Page 9, Section 1, Line 3, by inserting after all of said line the following:

"Section 2. 1. As used in this section, the following terms mean:

(1) "Blind persons/visually impaired persons", individuals who:

(a) Have a visual acuity of 20/200 or less in the better eye with conventional correction, or have a limited field of vision such that the widest diameter of the visual field subtends an angular distance not greater than twenty degrees; or

(b) Have a reasonable expectation of visual deterioration;

(2) "Student", any student who is blind or any student eligible for special education services for visually impaired as defined in P.L. 94-142;

(3) "Vision specialist in education", any individual certified as an instructor of the blind and visually impaired and has reasonable knowledge of assistive techniques, skills and technology. These may include, but are not limited to braille, cane travel and assistive computer technology.

2. The division of special education within the department of elementary and secondary education shall develop a program to provide a vision specialist in education, available at each regional professional development center.

3. The role of the vision specialist in education is as follows:

- (1) To act as a resource providing direct service to the school districts under the regional office of professional development with regard to children who are visually impaired;**
- (2) To make recommendations to schools using assessments and information, as provided by Missouri school for the blind;**
- (3) To oversee a short-term assistive technology equipment loan program for the region;**
- (4) To maintain a list of all qualified personnel and paraprofessionals within the region who work with visually impaired students;**
- (5) To see that the overall educational needs of visually impaired students are met.**

4. There is hereby created in the state treasury the "Vision Specialist in Education Fund" which shall be administered by the division of special education within the department of elementary and secondary education. Moneys in the fund shall, upon appropriation, be used to establish and maintain the vision specialist in education program pursuant to subsection 2 of this section.

Section 3. 1. As used in this section, the following terms mean:

- (1) "Assistive computing technology/ computer-aided reading", the adapted speech-output system for reading through use of a computer and a speech synthesizer;**
- (2) "Blind persons", individuals who:**
 - (a) Have a visual acuity of 20/200 or less in the better eye with conventional correction, or have a limited field of vision such that the widest diameter of the visual field subtends an angular distance not greater than twenty degrees; or**
 - (b) Have a reasonable expectation of visual deterioration; or**
 - (c) Cannot read printed material at a competitive rate of speed and with facility due to lack of visual acuity;**
- (3) "Student", any student who is blind or any student eligible for special education services for visually impaired as defined in P.L. 94-142.**

2. All students may receive instruction in assistive computing technology reading as part of their individualized education plan. No student shall be denied the opportunity of instruction in computer-aided reading solely because the student has some remaining vision.

3. Instruction in assistive computing technology shall be sufficient to enable each student to communicate effectively and efficiently at a level commensurate with his sighted peers of comparable grade level and intellectual functioning. Assistive computing technology is not an alternative to instruction of braille skills, but a necessary supplement. The student's individualized education plan shall specify:

- (1) How assistive computing technology will be implemented as a supplementary mode for learning through integration with normal classroom activities. If computer-aided reading will not be provided to a child who is blind, the reason for not incorporating it in the individualized education plan shall be documented therein;**
- (2) The date on which the instruction will commence;**

(3) The level of competency in reading to be achieved by the end of the period covered by the individualized education plan; and

(4) The duration of each session."

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 561, Page 1, In the Title, Lines 3 to 6 of said page, by deleting all of said lines and inserting in lieu thereof the following: "and 191.859, RSMo 1994, and to enact in lieu thereof eleven new sections for the purpose of regulating utilities and their merchandising practices, with an"; and

Further amend said bill, Page 1, Section A, Line 11 of said page, by deleting the word "six" and inserting in lieu thereof the word "eleven"; and

Further amend said bill, Page 1, Section A, Line 13 of said page, by inserting immediately before "and 1" the following: ", 386.754, 386.756, 386.760, 386.762, 386.764"; and

Further amend said bill, Page 8, Section 191.863, Line 15 of said page, by inserting after all of said line the following:

"386.754. For the purposes of sections 386.754 to 386.764, the following terms mean:

(1) "Affiliate", any entity not regulated by the public service commission which is owned, controlled by or under common control with a utility and is engaged in HVAC services;

(2) "HVAC services", the warranty, sale, lease, rental, installation, construction, modernization, retrofit, maintenance or repair of heating, ventilating and air conditioning equipment;

(3) "Utility", an electrical corporation, gas corporation or heating company as defined in section 386.020;

(4) "Utility contractor", a person, including an individual, corporation, firm, incorporated or unincorporated association or other business or legal entity, that contracts, whether in writing or not in writing, with a utility to engage in or assist any entity in engaging in HVAC services, but does not include employees of a utility.

386.756. 1. Except by an affiliate, a utility shall not engage in HVAC services, unless otherwise provided in subsection 7 or 8 of this section.

2. No affiliate or utility contractor shall use any vehicles, service tools, instruments, employees or any other utility assets, the cost of which are recoverable in the regulated rates for utility service, to engage in HVAC services unless the utility is compensated for the use of such assets at cost to the utility.

3. A utility shall not use or allow any affiliate or utility contractor to use the name of such utility to engage in HVAC services unless the utility, affiliate or utility contractor discloses in plain view and in bold type on the same page as the name is used on all advertisements or in plain audible language during all solicitations of such services a disclaimer that states the services provided are not regulated by the public service commission.

4. A utility shall not engage in or assist any affiliate or utility contractor in engaging in HVAC services in a manner which subsidizes the activities of such utility, affiliate or utility contractor to the extent of changing the rates or charges for the utility's regulated services above or below the rates or charges that would be in effect if the utility were not engaged in or assisting any affiliate or utility contractor in engaging in such activities.

5. Any affiliates or utility contractors engaged in HVAC services shall maintain accounts, books and records separate and distinct from the utility.

6. The provisions of this section shall apply to any affiliate or utility contractor engaged in HVAC services that is

owned, controlled or under common control with a utility providing regulated utility service in this state or any other state.

7. A utility engaging in HVAC services in this state five years prior to August 28, 1998, may continue providing to existing, as well as new, customers the same type of services as those provided five years prior to August 28, 1998.

8. The provisions of this section shall not be construed to prohibit a utility from providing emergency service, providing any service required by law or providing a program pursuant to an existing tariff, rule or order of the public service commission.

9. A utility that violates any provision of this section is guilty of a civil offense and may be subject to a civil penalty of up to twelve thousand five hundred dollars for each violation.

386.760. 1. The public service commission shall have full authority to administer and ensure compliance with sections 386.754 to 386.764 provided that the commission shall not impose by rule or otherwise, requirements regarding HVAC services that are inconsistent with or in addition to those set forth in sections 386.754 to 386.764 or with requirements set forth in section 386.315.

2. No rule or portion of a rule promulgated pursuant to the provisions of sections 386.754 to 386.764 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

386.762. The public service commission shall have authority to:

(1) Review, inspect and audit books, accounts and other records kept by a utility or affiliate for the sole purpose of ensuring compliance with sections 386.754 to 386.764 and make findings available to the commission; and

(2) Investigate the operations of a utility or affiliate and their relationship to each other for the sole purpose of ensuring compliance with sections 386.754 to 386.764.

386.764. Nothing in sections 386.754 to 386.764 shall be construed as modifying existing legal standards regarding which party has the burden of proof in commission proceedings."

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 561, Page 7, Section 191.863, Line 6 deleting the word "**assure**" and inserting in lieu thereof the word "**facilitate**"; and

Further amend said bill, page 7, section 191.863, line 12, by deleting the word "**assure**" and inserting in lieu thereof the word "**facilitate**"; and

Further amend said bill, page 7, section 191.863, lines 14-22 by deleting all of said lines; and

Further amend said bill, page 8, section 191.863, lines 1-4 by deleting all of said lines; and

Further amend said bill by renumbering the remaining sections accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 561, Page 1, In the Title, Line 3, by deleting the word and number "and 191.859" and inserting in lieu thereof the following: ", 191.859 and 386.570"; and

Further amend said bill, Page 1, In the Title, Line 5 of said page, by deleting the word "six" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, In the Title, Line 6 of said page, by inserting after the word "with" the following: "penalty provisions and"; and

Further amend said bill, Page 1, Section A, Line 10 of said page, by deleting "and 191.859" and inserting in lieu thereof the following: ", 191.859 and 386.570"; and

Further amend said bill, Page 1, Section A, Line 11 of said page, by deleting the word "six" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, Section A, Line 13 of said page, by inserting immediately after the number "191.863" the number ", 386.570"; and

Further amend said bill, Page 8, Section 1, Line 16 of said page, by inserting before all of said line the following:

"386.570. 1. Any corporation, person, **municipality which owns a gas plant** or public utility which violates or fails to comply with any provision of the constitution of this state or of this or any other law, or which fails, omits or neglects to obey, observe or comply with any order, decision, decree, rule[, direction, demand] or requirement, or any part or provision thereof, of the commission in a case in which a penalty has not herein been provided for such corporation, person, **municipality which owns a gas plant**, or public utility, is subject to a penalty of not less than one hundred dollars nor more than two thousand dollars for each offense, **except to the extent that Section 60105(b)(7) of the Natural Gas Pipeline Safety Act (49 U.S.C., Section 60101 et seq.) requires that state remedies for violations of federal safety standards pursuant to such federal law shall be substantially the same as remedies provided by such law, then the maximum penalties for violations of such federally mandated safety standards, which also constitute violations of the commission's rules, shall be punishable by a penalty of not more than ten thousand dollars for each violation, not to exceed five hundred thousand dollars for any related series of such violations. In determining the amount of the penalty, the nature, circumstances and the gravity of the violation shall be considered and, with respect to the person, corporation, municipality which owns a gas plant or public utility found to have committed the violation, the degree of culpability, any history of prior violations, the effect on the ability to continue operation, and any good faith effort in attempting to achieve compliance, ability to pay the penalty, and such other matters as are relevant shall be considered.**

2. Every violation of the provisions of this or any other law or of any order, decision, decree, rule[, direction, demand] or requirement of the commission, or any part or portion thereof, by any corporation [or], person, **municipality which owns a gas plant** or public utility is a separate and distinct offense, and in case of a continuing violation each day's continuance thereof shall be and be deemed to be a separate and distinct offense.

3. In construing and enforcing the provisions of this chapter relating to penalties, the act, omission or failure of any officer, agent or employee of any corporation, person, **municipality which owns a gas plant** or public utility, acting within the scope of his official duties of employment, shall in every case be and be deemed to be the act, omission or failure of such corporation, person, **municipality which owns a gas plant** or public utility."

HOUSE AMENDMENT NO. 5

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 561, Page 9, Section 1, Line 3 by inserting after all of said section the following:

"Section B. Chapter 190, RSMo, is amended by adding thereto five new sections, to be known as sections 190.400, 190.410, 190.420, 190.430 and 190.440, to read as follows:

190.400. As used in sections 190.400 to 190.440, the following words and terms shall mean:

(1) "911", the primary emergency telephone number within the wireless system;

(2) "Board", the wireless service provider enhanced 911 advisory board;

(3) "Public safety agency", a functional division of a public agency which provides fire fighting, police, medical or other emergency services. For the purpose of providing wireless service to users of 911 emergency services, as

expressly provided in this section, the department of public safety and state highway patrol shall be considered a public safety agency;

(4) "Public safety answering point", the location at which 911 calls are initially answered;

(5) "Wireless service provider", a provider of commercial mobile service pursuant to section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq).

190.410. 1. There is hereby created in the department of public safety the "Wireless Service Provider Enhanced 911 Advisory Board", consisting of eight members as follows:

(1) The director of the department of public safety or the director's designee who shall hold a position of authority in such department of at least a division director;

(2) The chairperson of the public service commission or the chairperson's designee; except that such designee shall be a commissioner of the public service commission or hold a position of authority in the commission of at least a division director;

(3) Three representatives and one alternate from the wireless service providers, elected by a majority vote of wireless service providers licensed to provide service in this state; and

(4) Three representatives from public service answering point organizations, elected by the members of the state chapter of the associated public safety communications officials and the state chapter of the National Emergency Numbering Association.

2. Immediately after the board is established the initial term of membership for a member elected pursuant to subdivision (3) of subsection 1 of this section shall be one year and all subsequent terms for members so elected shall be two years. The membership term for a member elected pursuant to subdivision (4) of subsection 1 of this section shall initially and subsequently be two years. Each member shall serve no more than two successive terms unless the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of this section. Members of the board shall serve without compensation, however, the members may receive reimbursement of actual and necessary expenses. Any vacancies on the board shall be filled in the manner provided for in this subsection.

3. The board shall do the following:

(1) Elect from its membership a chair and other such officers as the board deems necessary for the conduct of its business;

(2) Meet at least one time per year for the purpose of discussing the implementation of Federal Communications Commission order 94-102;

(3) Advise the office of administration regarding implementation of federal communications commission order 94-102; and

(4) Provide any requested mediation service to a political subdivision which is involved in a jurisdictional dispute regarding the providing of wireless 911 services. The board shall not supersede decision-making authority of any political subdivision in regard to 911 services.

4. The director of the department of public safety shall provide and coordinate staff and equipment services to the board to facilitate the board's duties.

190.420. 1. There is hereby established in the state treasury a fund to be known as the "Wireless Service Provider Enhanced 911 Service Fund". All fees collected pursuant to sections 190.400 to 190.440 by wireless service providers shall be remitted to the director of the department of revenue. The director shall remit such payments to the state treasurer.

2. The state treasurer shall deposit such payments into the wireless service provider enhanced 911 service fund. Moneys in the fund shall be used for the purpose of reimbursing expenditures actually incurred in the implementation and operation of the wireless service provider enhanced 911 system.

3. Any unexpended balance in the fund shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund, and shall remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the fund.

190.430. 1. The commissioner of the office of administration is authorized to establish a fee, if approved by the voters pursuant to section 190.440, not to exceed fifty cents per wireless telephone number per month to be collected by wireless service providers from wireless service customers.

2. The office of administration shall promulgate rules and regulations to administer the provisions of sections 190.400 to 190.440. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in sections 190.400 to 190.440 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to the effective date of this section is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to the effective date of this section if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

3. The office of administration is authorized to administer the fund and to distribute the moneys in the wireless service provider enhanced 911 service fund for approved expenditures as follows:

(1) For the reimbursement of actual expenditures for implementation of wireless enhanced 911 service by wireless service providers in implementing Federal Communications Commission order 94-102; and

(2) To subsidize and assist the public safety answering points based on a formula established by the office of administration, which may include, but is not limited to the following:

(a) The volume of wireless 911 calls received by each public safety answering point;

(b) The population of the public safety answering point jurisdiction;

(c) The number of wireless telephones in a public safety answering point jurisdiction by zip code; and

(d) Any other criteria found to be valid by the office of administration;

(3) For the reimbursement of actual expenditures for equipment for implementation of wireless enhanced 911 service by public safety answering points to the extent that funds are available, provided that ten percent of funds distributed to public safety answering points shall be distributed in equal amounts to each public safety answering point participating in enhanced 911 service;

(4) Notwithstanding any other provision of the law, no proprietary information submitted pursuant to this section shall be subject to subpoena or otherwise released to any person other than to the submitting wireless service provider, without the express permission of said wireless service provider. General information collected pursuant to this section shall only be released or published in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual wireless service provider.

4. Wireless service providers are entitled to retain one percent of the surcharge money they collect for administrative costs associated with billing and collection of the surcharge.

5. No more than five percent of the moneys in the fund, subject to appropriation by the general assembly, shall be retained by the office of administration for reimbursement of the costs of overseeing the fund and for the actual and necessary expenses of the board.

6. The office of administration shall review the distribution formula once every year and may adjust the amount of the fee within the limits of section 190.430, as determined necessary.

7. The provisions of sections 190.307 and 190.308 shall be applicable to programs and services authorized by sections 190.400 to 190.440.

8. Notwithstanding any other provision of the law, in no event shall any wireless service provider, its officers, employees, assigns or agents, be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, an act or omission in the development, design, installation, operation, maintenance, performance or provision of 911 service or other emergency wireless two- and three-digit wireless numbers, unless said acts or omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any wireless service provider, its officers, employees, assigns, or agents be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under the provisions of this act unless the release constitutes gross negligence, recklessness or intentional misconduct.

190.440. 1. The office of administration shall not be authorized to establish a fee pursuant to the authority granted in section 190.430 unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday immediately following the first Monday in November, 1998, or at a special election to be called by the governor on the ballot measure. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.

2. The ballot of the submission shall contain, but is not limited to, the following language:

Shall the Missouri office of administration be authorized to establish a fee of up to fifty cents per month to be charged every wireless telephone number for the purpose of funding wireless enhanced 911 service?

Yes No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the office of administration shall be authorized to establish a fee pursuant to section 190.430, and the fee shall be effective on January 1, 1999, or the first day of the month occurring at least thirty days after the approval of the ballot measure. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure, then the office of administration shall have no power to establish the fee unless and until the measure is approved.

Section C. Because immediate action is necessary to provide enhanced wireless service to users of 911 emergency services this section is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 561, Page 1, In the title, Line 5 of said

page, by deleting the word "six" and inserting in lieu thereof the word "eight"; and

Further amend said bill, Page 1, Section A, Line 11 of said page, by deleting the word "six" and inserting in lieu thereof the word "eight"; and

Further amend said bill, Page 1, Section A, Line 13 of said page, by deleting "and 1" and inserting in lieu thereof ", 1, 2 and 3"; and

Further amend said bill, Page 9, Section 1, Line 3 of said page, by inserting after all of said line the following:

"Section 2. 1. If approved by a majority of the voters voting on the proposal, a county of the first classification having a population of over nine hundred thousand inhabitants may, by ordinance, levy and impose annually, upon water service lines providing water service to residential property having four or fewer dwelling units, a fee not to exceed one dollar per month or an equivalent rate collected at some other interval.

2. The ballot of submission shall be substantially of the following form:

For the purpose of repair or replacement of water lines extending from the water main to a residential dwelling due to failure of the line or for road relocation, shall county be authorized to impose a fee not to exceed one dollar per month or an equivalent rate collected at some other interval upon all water service lines providing water service within the county to residential property having four or fewer dwelling units for the purpose of paying for the costs of necessary water service line repairs, replacements or relocations caused by improvements to public right-of-way?

YES NO

3. For the purpose of this section, a water service line may be defined by local ordinance, but may not include the water meter or exceed that portion of water piping and related valves and connectors which extends from the water mains owned by the utility or municipality distributing public water supply to the first opportunity for a connection or joint beyond the point of entry into the premises receiving water service, and may not include facilities owned by the utility or municipality distributing public water supply. For purposes of this section, repair may be defined and limited by local ordinance, and may include replacement, repairs or relocation when made necessary by improvements to public right-of-way.

4. If a majority of the voters voting thereon approve the proposal authorized in subsection 1 of this section, the governing body of the county may enact an ordinance for the collection of such fee. The funds collected pursuant to such ordinance shall be deposited in a special account to be used solely for the purpose of paying for the reasonable costs associated with and necessary to administer and carry out the water service line repairs as defined in the ordinance and, if sufficient revenues are available, to reimburse the necessary costs of water service line repair, replacement or relocation made necessary by public right-of-way improvements.

5. The county may contract with any provider of water service in the county to bill and collect such fees along with bills for water service and to pursue collection of such amounts through discontinuance of service as may be directed by the county. The county may establish, as provided in the ordinance, regulations necessary for the administration of collections, claims, repairs, relocations, replacements and all other activities necessary and convenient for the implementation of any ordinance adopted and approved pursuant to this section. The county may administer the program or may contract with one or more persons, through a competitive process, to provide for administration of any portion of implementation activities of any ordinance adopted and approved pursuant to this section, and reasonable costs of administering the program may be paid from the special account established pursuant to this section.

Section 3. The governing body of any county of the first classification having a population of over nine hundred thousand inhabitants that has assessed a fee pursuant to section 66.405 for three years shall submit to the general assembly of this state a complete financial report which shall include, but not be limited to, the total fees collected by such county pursuant to section 66.405, the funds on hand in such county resulting from the collection of fees

pursuant to section 66.405 and the total expenditures of fees collected pursuant to section 66.405 on infrastructure in such county."

HOUSE AMENDMENT NO. 7

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 561, Page 9, Line 3, by inserting immediately at the end of said line the following:

"217.287. 1. Contracts for collect call telephone services for correctional institutions of the department of corrections shall be awarded to the lowest and the best bidder over the life of the contract, based on call costs to called parties.

2. The division of purchasing of the office of administration may renegotiate any existing contracts for collect call telephone services for correctional institutions of the department of corrections to reduce call costs to called parties."; and,

Further amend said bill by conforming the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 8

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 561, Page 1, In the Title, Line 5 of said page, by deleting the word "six" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, Section A, Line 11 of said page, by deleting the word "six" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, Section A, Line 13 of said page, by deleting "and 1" and inserting in lieu thereof ", 1 and 2"; and

Further amend said bill, Page 9, Section 1, Line 3 of said page, by inserting after all of said line the following:

"Section 2. The chief clerk of the house of representatives and the secretary of the senate shall collaborate to establish a toll-free telephone number by which citizens of Missouri may contact, without charge, state representatives and senators of the state of Missouri. Such toll-free telephone lines shall be staffed by adequate personnel to efficiently manage incoming calls. Calls to such toll-free telephone number shall be transferred to the state representative or senator that the caller indicates or, if the caller does not know with whom he or she wishes to speak, then the operator receiving the call shall determine the caller's state representative or senator and transfer such call to him or her. The cost of such toll-free telephone number shall be borne equally by the senate and the house of representatives."

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1302** as amended and has again taken up and passed **SCS** for **HB 1302** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HBs 1601, 1591, 1592, 1479 and 1615** and **HCS** for **HBs 1094, 1213, 1311 and 1428** and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HBs 1601, 1591, 1592, 1479 and 1615** and **HCS** for **HBs 1094, 1213, 1311 and 1428**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SB 910** and has taken up and passed **CCS** for **HCS** for **SS** for **SB 910**, as amended.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Scott, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HBs 1601, 1591, 1592, 1479** and **1615** and **HCS** for **HBs 1094, 1213, 1311** and **1428**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1601, 1591, 1592, 1479 and 1615 AND
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1094, 1213, 1311 and 1428

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and its position on House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428;
2. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428, as amended;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1601, 1591, 1592, 1479 and 1615 and House Committee Substitute for House Bills Nos. 1094, 1213, 1311 and 1428 be adopted.

FOR THE SENATE:

/s/ John E. Scott
/s/ Harold L. Caskey
/s/ Jim Mathewson
/s/ Betty Sims
Steve Ehlmann

FOR THE HOUSE:

/s/ Joseph P. Treadway
/s/ Joan Bray
/s/ James Foley
/s/ Charles Nordwald
/s/ David J. Hegeman

Senator Scott moved that the above conference committee report be adopted, which motion prevailed by the following

vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Clay
Curls	DePasco	Graves	House
Howard	Jacob	Johnson	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Russell	Scott	Sims
Staples	Westfall	Wiggins--23	
	NAYS--Senators		
Childers	Ehlmann	Flotron	Goode
Kenney	Kinder	Klarich	Rohrbach
Schneider	Yeckel--10		
	Absent--Senator Singleton--1		
	Absent with leave--Senators--None		

On motion of Senator Scott, **CCS** for **SCS** for **HS** for **HCS** for **HBs 1601, 1591, 1592, 1479 and 1615** and **HCS** for **HBs 1094, 1213, 1311 and 1428**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1601, 1591, 1592, 1479 and 1615
AND
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1094, 1213, 1311 and 1428

An Act to repeal sections 334.010, 334.738, 334.741, 334.742, 337.010, 337.025, 337.033, 338.055, 339.503, 339.505, 339.509, 339.511, 339.513, 339.515, 339.517, 339.519, 339.523, 339.527, 339.529, 339.530, 339.532, 339.545, 345.045, 375.022, 376.1075 and 643.040, RSMo 1994, and sections 329.140, 329.210, 329.265, 330.010, 330.045, 330.140, 334.735, 334.736, 334.740, 334.743, 334.749, 337.020, 337.029, 337.045, 337.050, 339.507, 339.710, 339.720, 339.730, 339.740, 339.770, 339.780, 339.800, 339.810, 339.820, 339.830, 339.850, 345.010, 345.015, 345.020, 345.022, 345.025, 345.030, 345.035, 345.050, 345.051, 345.055, 345.065, 345.075 and 345.080, RSMo Supp. 1997, relating to the regulation of certain professions, and to enact in lieu thereof one hundred thirty-two new sections relating to the same subject, with penalty provisions and an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Clay
Curls	DePasco	Goode	Graves
House	Howard	Jacob	Johnson
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Russell	Scott
Sims	Staples	Westfall	Wiggins--24

NAYS--Senators

Childers

Ehlmann

Flotron

Kenney

Kinder

Klarich

Rohrbach

Schneider

Yeckel--9

Absent--Senator Singleton--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 487**, as amended: Senators Goode, Clay, Mathewson, Childers and Westfall.

CONFERENCE COMMITTEE REPORTS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 487**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT No. 2

ON HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 487

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Bill No. 487, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9 and House Amendment No. 10; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 487, as amended;
2. That the Senate recede from its position on Senate Bill No. 487;
3. That the Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 487, as amended by the attached Conference Committee Amendment No. 1, be adopted;
4. That the Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 487, with Conference Committee Amendment No. 1, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Wayne Goode

/s/ William Clay

FOR THE HOUSE:

/s/ Ron Auer

Charlie Fritts

/s/ Jim Mathewson
/s/ Doyle Childers
/s/ Morris Westfall

/s/ Patrick J. O'Connor
/s/ Ken Legan
/s/ Gary Burton

CONFERENCE COMMITTEE

AMENDMENT NO. 1

Amend Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 487, Page 1, In the Title, Lines 4-5, by striking the following: "of abandoned property"; and inserting in lieu thereof the following: "and titling procedures for motor vehicles"; and amend line 5, by striking "nine" and inserting in lieu thereof "eight"; and further amend line 6, by inserting after "subject" the following: ", with an effective date for a certain section"; and

Further amend said bill, page 1, section A, line 3, by striking "nine" and inserting in lieu thereof "eight"; and further amend line 5 of said page, by striking ", 1 and 2" and inserting in lieu thereof "and 1"; and

Further amend said bill, page 14, section 304.156, line 18 of said page, by striking the opening bracket "[" and inserting before the word "Any" an "opening bracket "["; and

Further amend said bill, pages 35-36, section 1, by striking all of said section; and

Further amend said bill, page 36, section 2, line 7, by striking: "Section 2" and inserting in lieu thereof the following: "Section 1."; and further amend line 21 of said page, by inserting after all of said line the following:

"Section B. The repeal and reenactment of section 301.640 shall be effective upon January 1, 1999.".

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Goode	Graves	House	Howard
Jacob	Johnson	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		

NAYS--Senators

Flotron	Kenney	Kinder--3
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Absent--Senator Schneider--1

Absent with leave--Senators--None

On motion of Senator Goode, **CCS** for **HS** for **HCS** for **SB 487**, as amended by the conference committee report, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 487

An Act to repeal sections 144.025 and 301.640, RSMo 1994, and sections 301.344, 304.155, 304.156, 304.157 and 304.158, RSMo Supp. 1997, relating to the removal of abandoned property, and to enact in lieu thereof nine new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Goode	House
Howard	Jacob	Johnson	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--26		

NAYS--Senators

Flotron	Graves	Kenney	Kinder
Klarich--5			

Absent--Senators

Banks	Curls	Schneider--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Wiggins moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 1507**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 1507**, as amended: Senators Wiggins, Quick, Schneider, Flotron and Russell.

President Pro Tem McKenna ruled the pending point of order raised by Senator Caskey regarding Senator Graves being recognized to speak on **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 781** not well taken.

Senator Graves continued to speak on **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 781**.

On motion of Senator House, **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 781**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 781

An Act to repeal sections 160.526, 160.538, 161.527, 162.081, 162.571, 162.581, 162.601, 162.621, 162.935, 163.161, 166.260, and 168.221, RSMo 1994, and sections 160.011, 163.011, 163.021, 163.031, 165.011, 165.016, 166.275, 170.250 and 178.930, RSMo Supp. 1997, relating to education, and to enact in lieu thereof thirty-nine new sections relating to the same subject, with a contingent effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Caskey	Clay	Curls	DePasco
Ehlmann	Flotron	Goode	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Schneider	Scott	Sims	Staples
Wiggins	Yeckel--26		

NAYS--Senators

Banks	Bentley	Childers	Graves
Rohrbach	Russell	Singleton	Westfall--8

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Maxwell moved that **HS** for **HCS** for **HBs 1405, 1109 and 1335**, with **SCS, SS** for **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 3 was again taken up.

At the request of Senator Klarich, the above amendment was withdrawn.

Senator Klarich offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1405, 1109 and 1335, Page 10, Section 2, Line 9 of said page, by inserting after the word "team" the following: "**consisting of no more than seven members, at least one from the department of corrections and the department of health, and**".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1405, 1109 and 1335, Page 12, Section 4, Line 22 of said page, by inserting after the word "RSMo" the following: ", **who was not a member of the multidisciplinary team that previously reviewed the person's records**".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1405, 1109 and 1335, Page 11, Section 3, Line 12, by inserting after the word "allegation." the following: "**A copy of the assessment of the multidisciplinary team must be filed with the petition.**"; and

Further amend said bill, page 12, section 4, line 15 of said page, by inserting after "file" the following ", **including the assessment of the multidisciplinary team**".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 1405, 1109 and 1335**, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, **SS** for **SCS** for **HS** for **HCS** for **HBs 1405, 1109 and 1335**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Clay--1

Absent with leave--Senators--None

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator McKenna moved that the Senate refuse to concur in **HS** for **HCS** for **SB 619**, as amended, and request the House to recede from its position or failing to do so, grant the Senate a conference thereon and that the conferees be

allowed to exceed the differences on **HSA 1** for **HA 2**, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator McKenna, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SBs 614, 696, 906, 530, 912 and 914**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 614, 696, 906, 530, 912 and 914

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 614, 696, 906, 530, 912 and 914, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 614, 696, 906, 530, 912 and 914, as amended;
- 2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 614, 696, 906, 530, 912 and 914, as amended;
- 3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 614, 696, 906, 530, 912 and 914, as amended, be adopted.

FOR THE SENATE:

/s/ Bill McKenna
/s/John D. Schneider
/s/ John E. Scott
/s/ Franc Flotron
/s/ John T. Russell

FOR THE HOUSE:

/s/ Brian May
/s/ Jim O'Toole
/s/ Ralph Monaco
/s/ Mark Richardson
/s/ Don Summers

Senator McKenna moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			

On motion of Senator McKenna, **CCS** for **HS** for **HCS** for **SCS** for **SBs 614, 696, 906, 530, 912** and **914**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 614, 696, 906, 530, 912 & 914

An Act to repeal sections 57.130, 138.430, 196.790, 211.031, 211.331, 426.220, 426.230, 441.500, 441.510, 441.530, 441.550, 441.570, 441.580, 441.590, 441.610, 441.620, 441.630, 441.640, 441.641, 451.100, 476.682, 477.087, 478.265, 478.266, 478.267, 487.090, 491.060, 528.620, 534.070, 534.350, 534.360 and 535.110, RSMo 1994, and sections 56.765, 57.280, 57.290, 82.1025, 105.464, 211.447, 441.520, 478.464, 479.500, 487.020, 487.030, 488.012, 488.015, 506.363, 506.369, 506.372, 506.375, 506.390, 514.040, 534.090, 534.380 and 535.030, RSMo Supp. 1997, and to enact in lieu thereof fifty-eight new sections relating to the judiciary, with an expiration date for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Jacob--1

Absent with leave--Senators--None

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator McKenna, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 1095**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1095

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, with Senate Amendment No. 1, Senate Amendment No. 1 to Senate Amendment No. 2, Senate Amendment No. 2, as amended, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 10, Senate Amendment No. 11, Senate Amendment No. 12, Senate Amendment No. 13, Senate Amendment No. 14, Senate Amendment No. 15 and Senate Amendment No. 17; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, as amended;
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1095;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095 be adopted; and
4. That the Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095 be third read and finally passed.

FOR THE SENATE:

/s/ Bill McKenna
/s/ John E. Scott
/s/ Jim Mathewson
/s/ Steve Ehlmann
/s/ Doyle Childers

FOR THE HOUSE:

/s/ Philip Smith
/s/ Steve Gaw
/s/ D. J. Davis
/s/ Ken Legan
/s/ T. Mark Elliott

Senator McKenna moved that the above conference committee report be adopted.

Senator Kinder offered a substitute motion that the Senate refuse to concur in the conference committee report and request the House to grant further conference and that the Senate conferees be instructed to delete the language regarding the student representative attending closed sessions.

At the request of Senator Kinder, the above substitute motion was withdrawn.

At the request of Senator McKenna, the motion to adopt the conference committee report was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HB 1507**: Representatives: Bray, Van Zandt, Schilling, Gibbons and Hegeman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SBs 583** and **645**, entitled:

An Act relating to the common language of the state.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendment No. 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 583 and 645, Page 3, Section 5, Line 6 by inserting after said line the following:

"Section 6. Subject to appropriation from general revenue, the department of elementary and secondary education shall provide technical assistance, upon request, to public elementary and secondary schools teaching a foreign language to students."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 583, Page 3, Section 6, Line 3, by inserting after the word "assistance", **"and educational materials"**.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 583 & 645, Page 2, Section 3, Line 20, by inserting after the word "classes": **"and provide instructional material"**.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 674**, entitled:

An Act to repeal sections 376.816 and 453.160, RSMo 1994, and sections 192.016, 211.444, 211.464, 452.402, 453.025, 453.030, 453.040, 453.060, 453.070, 453.075, 453.077, 453.080, 453.112 and 453.170, RSMo Supp. 1997, relating to adoption, and to enact in lieu thereof fifteen new sections relating to the same subject.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 674, Page 7, Section 453.030, Line 82, by inserting after the word **"pay"** the word **"reasonable"**; and

Further amend said bill, Page 6, Section 453.030, Lines 55 and 56, by deleting the words **"the effective date of this section"** and inserting in lieu thereof the following: **"August 28, 1997,"**; and

Further amend said bill, Page 7, Section 453.030, Line 83, by deleting the numbers **"[12] 11"** and inserting in lieu thereof the number **"12"**; and

Further amend said bill, Page 9, Section 453.070, Line 19, by deleting the words **"the effective date of this section"** and

inserting in lieu thereof the following: "**August 28, 1997**"; and

Further amend said bill, Page 11, 453.077, Line 8, by deleting the words "**the effective date of this section**" and inserting in lieu thereof the following: "**August 28, 1997**".

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 674, Page 1, In the Title, Lines 2 to 5, by deleting all of said lines and inserting in lieu thereof the following: "To repeal sections 210.720, 211.183, 376.816 and 453.160, RSMo 1994, and sections 192.016, 211.171, 211.444, 211.447, 211.464, 452.402, 453.025, 453.030, 453.040, 453.060, 453.070, 453.075, 453.077, 453.080, 453.112 and 453.170, RSMo Supp. 1997, and to enact in lieu thereof twenty new sections for the purpose of complying with the federal mandates and providing permanency for children in alternative care, with an emergency clause for certain sections."; and

Further amend said bill, Page 13, Section 453.170, Line 19, by inserting after all of said lines the following:

"Section B. Sections 210.720 and 211.183, RSMo 1994, and sections 211.171, 211.447 and 453.010, RSMo Supp. 1997, are repealed and five new sections enacted in lieu thereof, to be known as sections 210.720, 211.171, 211.183, 211.447 and 453.010, to read as follows:

210.720. 1. In the case of a child who has been placed in the custody of [an] **the division of family services in accordance with subdivision (17) of subsection 1 of section 207.020, RSMo, or another** authorized agency by a court or who has been placed in foster care by a court, every six months after the placement, the foster family, group home, agency, or child care institution with which the child is placed shall file with the court a written report on the status of the child[, and]. The court shall review the report and shall hold a [dispositional] **permanency** hearing within [eighteen] **twelve** months of initial placement and **at least** annually thereafter. The [dispositional] **permanency** hearing shall be for the purpose of determining in accordance with the best interests of the child **a permanent plan for the placement of the child, including** whether or not the child should be continued in foster care or whether the child should be returned to a parent, guardian or relative, or whether or not proceedings should be instituted **by either the juvenile officer or the division** to terminate parental rights and legally free such child for adoption.

2. In such [dispositional] **permanency** hearings the court shall consider all relevant factors including:

(1) The interaction and interrelationship of the child with [his] **the child's** foster parents, [his] parents, [his] siblings, and any other person who may significantly affect the child's best interests;

(2) The child's adjustment to his **or her** foster home, school and community;

(3) The mental and physical health of all individuals involved, including any history of abuse of any individuals involved; **and**

(4) The needs of the child for a continuing relationship with [his] **the child's** parents and the ability and willingness of parents to actively perform their functions as mother and father for the needs of the child.

3. The judge shall make written findings of fact and conclusions of law in any [final disposition] **order pertaining to the placement of the child.**

211.171. 1. The procedure to be followed at the hearing shall be determined by the juvenile court judge and may be as formal or informal as he **or she** considers desirable. [He] **The judge** may take testimony and inquire into the habits, surroundings, conditions and tendencies of the child **and the family** to enable the court to render such order or judgment as will best promote the welfare of the child and carry out the objectives of this chapter.

2. The hearing may, in the discretion of the court, proceed in the absence of the child and may be adjourned from time to time.

3. **The current foster parents of a child, or any preadoptive parent or relative currently providing care for the child, shall be provided with notice of, and an opportunity to be heard in, any permanency or other review hearing to be held with respect to the child. This subsection shall not be construed to require that any such foster parent, preadoptive parent or relative providing care for a child be made a party to the case solely on the basis of such notice and opportunity to be heard.**

4. All cases of children shall be heard separately from the trial of cases against adults.

[4.] 5. Stenographic notes or an authorized recording of the hearing shall be required if the court so orders or if requested by any party interested in the proceeding.

[5.] 6. The general public shall be excluded and only such persons admitted as have a direct interest in the case or in the work of the court except in cases where the child is accused of conduct which, if committed by an adult, would be considered a class A or B felony; or for conduct which would be considered a class C felony, if the child has previously been formally adjudicated for the commission of two or more unrelated acts which would have been class A, B or C felonies, if committed by an adult.

[6.] 7. The practice and procedure customary in proceedings in equity shall govern all proceedings in the juvenile court.

[7.] 8. The court shall allow the victim of any offense to submit a written statement to the court. The court shall allow the victim to appear before the court personally or by counsel for the purpose of making a statement, unless the court finds that the presence of the victim would not serve justice. The statement shall relate solely to the facts of the case and any personal injuries or financial loss incurred by the victim. A member of the immediate family of the victim may appear personally or by counsel to make a statement if the victim has died or is otherwise unable to appear as a result of the offense committed by the child.

211.183. 1. In juvenile court proceedings regarding the removal of a child from his **or her** home, the [order of disposition] **court's order** shall include a determination of whether the division of family services has made reasonable efforts to prevent or eliminate the need for removal of the child and, after removal, to make it possible for the child to return home. If the first contact with the family occurred during an emergency in which the child could not safely remain at home even with reasonable in-home services, the division shall be deemed to have made reasonable efforts to prevent or eliminate the need for removal.

2. "Reasonable efforts" means the exercise of reasonable diligence and care by the division to utilize all available services related to meeting the needs of the juvenile and the family. **In determining reasonable efforts to be made and in making such reasonable efforts, the child's present and ongoing health and safety shall be the paramount consideration.**

3. In support of its determination of whether reasonable efforts have been made, the court shall enter findings, including a brief description of what preventive or reunification efforts were made and why further efforts could or could not have prevented or shortened the separation of the family. The division shall have the burden of demonstrating reasonable efforts.

4. The juvenile court may authorize the removal of the child even if the preventive and reunification efforts of the division have not been reasonable, but further efforts could not permit the child to remain at home.

5. Before a child may be removed from the parent, guardian, or custodian of the child by order of a juvenile court, excluding commitments to the division of youth services, the court shall in its orders:

(1) State whether removal of the child is necessary to protect the child and the reasons therefor;

(2) Describe the services available to the family before removal of the child, including in-home services;

(3) Describe the efforts made to provide those services relevant to the needs of the family before the removal of the child;

(4) State why efforts made to provide family services described did not prevent removal of the child; and

(5) State whether efforts made to prevent removal of the child were reasonable, based upon the needs of the family and child.

6. If continuation of reasonable efforts, as described in this section, is determined by the division to be inconsistent with establishing a permanent placement for the child, the division shall take such steps as are deemed necessary by the division, including seeking modification of any court order to modify the permanency plan for the child.

7. The division shall not be required to make reasonable efforts, as defined in this section, but has the discretion to make reasonable efforts if a court of competent jurisdiction has determined that:

(1) The parent has subjected the child to a severe act or recurrent acts of physical, emotional or sexual abuse toward the child, including an act of incest; or

(2) The parent has:

(a) Committed murder of another child of the parent;

(b) Committed voluntary manslaughter of another child of the parent;

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent; or

(3) The parent's parental rights to a sibling have been involuntarily terminated.

8. If the court determines that reasonable efforts, as described in this section, are not required to be made by the division, the court shall hold a permanency hearing within thirty days after the court has made such determination. The division shall complete whatever steps are necessary to finalize the permanent placement of the child.

9. The division may concurrently engage in reasonable efforts, as described in this section, while engaging in such other measures as are deemed appropriate by the division to establish a permanent placement for the child.

211.447. 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and [may file a petition to terminate parental rights.] if it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within thirty days of the referral. Such notification shall include the reasons that the petition will not be filed. Thereupon, the informant may bring the matter directly to the attention of the judge of the juvenile court by presenting the information in writing, and if it appears to the judge that the information could justify the filing of a petition, the judge may order the juvenile officer to take further action, including making a further preliminary inquiry or filing a petition.

2. [The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interests of the child and when it appears by clear, cogent and convincing evidence that one or more of the following grounds for termination exist:] **Except as provided for in subsection 3 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:**

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned infant. For purposes of this subdivision, an "infant" means any child one year of age or under at the time of filing of the petition. The court may find that an infant has been abandoned if:

(a) The parent has left the child under circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so; or

(3) A court of competent jurisdiction has determined that the parent has:

(a) Committed murder of another child of the parent; or

(b) Committed voluntary manslaughter of another child of the parent; or

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.

3. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of the child's parent or parents if:

(1) The child is being cared for by a relative; or

(2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review; or

(3) The family of the child has not been provided such services as provided for in section 211.183.

4. The juvenile officer or the division may file a petition to terminate the parental rights of the child's parent when it appears that one or more of the following grounds for termination exist:

(1) The child has been abandoned. For purposes of this subdivision a "child" means any child over one year of age at the time of filing of the petition. The court shall find that the child has been abandoned if, for a period of six months or longer [for a child over one year of age or a period of sixty days or longer for a child under one year of age at the time of the filing of the petition]:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been abused or neglected. In determining whether to terminate parental rights [under] pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for the child's physical, mental, or emotional health and development;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) The parent has been found guilty or pled guilty to a felony violation of chapter 566, RSMo, when the child or any child in the family was a victim, or a violation of section 568.020, RSMo, when the child or any child in the family was a victim. As used in this subdivision, a child means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or

(5) The child was conceived and born as a result of an act of forcible rape. When the biological father has pled guilty to, or is convicted of, the forcible rape of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father's parental rights; or

(6) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse, including but not limited to, abuses as defined in section 455.010, RSMo, child abuse or drug abuse before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental or emotional needs of the child. It is presumed that a parent is unfit to be a party to the parent-child relationship upon a showing that within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated [under] **pursuant to subsection 2 or 3 of this section or subdivisions (1), (2), (3) or (4) of subsection 4 of this section or similar laws of other states.**

5. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 3 or 4 of this section.

[3.] **6.** When considering whether to terminate the parent-child relationship pursuant to [subdivision (1), (2), (3), (4) or (5) of subsection 2] **subsection 2 or 3 of this section or subdivision (1), (2), (3) or (4) of subsection 4** of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

- (1) The emotional ties to the birth parent;
- (2) The extent to which the parent has maintained regular visitation or other contact with the child;
- (3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;
- (4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;
- (5) The parent's disinterest in or lack of commitment to the child;
- (6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;
- (7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

[4.] **7.** The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

[5.] **8.** In actions for adoption [under] **pursuant to** chapter 453, RSMo, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted [under subsection 2] **pursuant to subsection 2, 3 or 4** of this section.

453.010. 1. Unless the person sought to be adopted is a child who is under the prior and continuing jurisdiction of a court pursuant to the provisions of chapter 211, RSMo, any person desiring to adopt another person as his **or her** child shall petition the juvenile division of the circuit court of the county in which:

- (1) The person seeking to adopt resides;
- (2) The child sought to be adopted was born;
- (3) The child is located at the time of the filing of the petition; or
- (4) Either birth person resides.

2. A petition to adopt shall not be dismissed or denied on the grounds that the petitioner is not domiciled or does not reside in any of the venues set forth in subdivision (2), (3) or (4) of subsection 1 of this section.

3. If the person sought to be adopted is a child who is under the prior and continuing jurisdiction of a court pursuant to the provision of chapter 211, RSMo, any person desiring to adopt such person as his **or her** child shall petition the juvenile division of the circuit court which has jurisdiction over the child for permission to adopt such person as his **or her** child. Upon receipt of a motion from the petitioner and consent of the receiving court, the juvenile division of the circuit court which has jurisdiction over the child may transfer jurisdiction to the juvenile division of a circuit court within any of the alternative venues set forth in subsection 1 of this section.

[3.] **4.** If the petitioner has a spouse living and competent to join in the petition, such spouse may join therein, and in such case the adoption shall be by them jointly. If such a spouse does not join the petition the court in its discretion may, after a hearing, order such joinder, and if such order is not complied with may dismiss the petition.

[4.] **5.** Upon receipt of a properly filed petition, a court, as defined in section 453.010, shall hear [said] **such** petition in a timely fashion. **A court or any child placing agency shall not deny or delay the placement of a child for adoption when an approved family is available, regardless of the approved family's residence or domicile.**

Section C. Because immediate action is necessary to comply with changes in the federal law section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect on July 1, 1998, or upon its passage and approval, whichever later occurs."

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 792**, entitled:

An Act to repeal sections 408.100, 408.200, 408.232, 408.233, 408.551 and 490.250, RSMo 1994, and sections 362.413, 408.140, 427.125 and 473.543, RSMo Supp. 1997, relating to financial transactions, and to enact in lieu thereof sixteen new sections relating to the same subject.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 792, Page 2, Section 30.255, Line 13, by inserting immediately at the end of said line the following, **"In the event that a financial institution is not required to comply with the community reinvestment act, the state treasurer shall not use that fact, either favorable or negatively, in depositing, continuing a demand deposit, or reissuing a demand deposit of state funds."**

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 922**, entitled:

An Act to repeal sections 288.126, 288.150 and 288.290, RSMo 1994, and sections 288.034, 288.090, 288.130, 288.160 and 288.380, RSMo Supp. 1997, relating to employment security, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions and an effective date.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 922, Page 13, Section 288.090, Line 109, by deleting after the word **"assess"** the word **"as"**.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 659**, entitled:

An Act to repeal sections 43.150, 57.201, 57.220, 57.221 and 57.251, RSMo 1994, and sections 43.050 and 57.250, RSMo Supp. 1997,

relating to law enforcement officers, and to enact in lieu thereof eight new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senator McKenna offered Senate Resolution No. 1941, regarding David Patrick Czarnecki, Arnold, which was adopted.

On motion of Senator Quick, the Senate adjourned until 9:30 a.m., Friday, May 15, 1998.

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-THIRD DAY--FRIDAY, MAY 15, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, in January, this day seemed a long way off. We started with many hopes and great expectations. Thank You for all the good things that have happened to us, for the lives that have been touched, the help provided, the friendships strengthened and for Your watchcare over us. We pray for Your guidance today to finish the job we have been given to do. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Mueller offered Senate Resolution No. 1942, regarding Mrs. Carol L. Osterloh, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HS** for **HCS** for **HB 1656**, with **SCS** and **HS** for **HCS** for **HB 971**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 971**, with **SCS**, entitled:

An Act to repeal section 211.393, RSMo Supp. 1997, relating to juvenile court personnel, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

Was taken up by Senator Caskey.

SCS for **HS** for **HCS** for **HB 971**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 971

An Act to repeal sections 211.156 and 287.815, RSMo 1994, and section 211.393, RSMo Supp. 1997, relating to compensation for public agencies and employees, and to enact in lieu thereof six new sections relating to the same subject, with an effective date for certain sections.

Was taken up.

Senator Caskey moved that **SCS** for **HS** for **HCS** for **HB 971** be adopted.

Senator Caskey offered **SS** for **SCS** for **HS** for **HCS** for **HB 971**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 971

An Act to repeal sections 211.156 and 287.815, RSMo 1994, sections 211.393, 287.812 and 360.015, RSMo Supp. 1997, and section 2 of senate substitute for senate committee substitute for house substitute for house committee substitute for house bills nos. 1455 and 1463 as truly agreed to and finally passed by the second regular session of the eighty-ninth general assembly, relating to compensation for public agencies and employees, and to enact in lieu thereof nine new sections relating to the same subject, with an effective date for certain sections and an emergency clause for certain sections.

Senator Caskey moved that **SS** for **SCS** for **HS** for **HCS** for **HB 971** be adopted, which motion prevailed

Senator Scott assumed the Chair.

On motion of Senator Caskey, **SS** for **SCS** for **HS** for **HCS** for **HB 971** was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder

Klarich	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Curls	Lybyer	Schneider--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	DePasco	Flotron	Graves
House	Howard	Jacob	Johnson
Kenney	Lybyer	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--28
	NAYS--Senators		
Ehlmann	Goode	Klarich	Mueller--4
	Absent--Senators		
Curls	Kinder--2		
	Absent with leave--Senators--None		

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator McKenna moved that the Senate refuse to concur in the conference committee report on **SS** for **SCS** for **HS** for **HCS** for **HB 1095**, as amended, and request the House to grant further conference, which motion prevailed.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 1656**, with **SCS**, entitled:

An Act to repeal section 135.408, RSMo 1994, section 215.030, RSMo Supp. 1997, and sections 100.840, 135.403, 135.405 and 135.503, as enacted by senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and approved by the governor, and to enact in lieu thereof ten new sections for the purpose of providing tax relief in distressed communities.

Was taken up by Senator Mathewson.

SCS for **HS** for **HCS** for **HB 1656**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1656

An Act to repeal sections 92.336 and 135.408, RSMo 1994, sections 100.710, 100.850, 135.110 and 215.030, RSMo Supp. 1997, and sections 135.403, 135.405, 253.550, 253.557 and 253.559, as enacted by senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and approved by the governor, and to enact in lieu thereof thirty-seven new sections for the purpose of providing tax relief in distressed communities, with an effective date.

Was taken up.

Senator Mathewson moved that **SCS** for **HS** for **HCS** for **HB 1656** be adopted.

Senator Mathewson offered **SS** for **SCS** for **HS** for **HCS** for **HB 1656**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1656

An Act to repeal sections 100.010, 348.300, 348.302 and 348.314, RSMo 1994, sections 100.710, 100.850, 135.110 and 215.030, RSMo Supp. 1997, and sections 135.403, 135.405 and 135.503, as enacted by senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly and approved by the governor, and to enact in lieu thereof thirty-five new sections for the purpose of providing tax relief in distressed communities, with an effective date.

Senator Mathewson moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1656** be adopted.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1656, Page 31, Section 135.503, Line 8 of page 31, by inserting immediately after all of said line the following:

"135.326. As used in sections 135.325 to 135.339, the following terms shall mean:

- (1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo;
- (2) "Handicap", a mental, physical, or emotional impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, and where the impairment is verified by medical findings;
- (3) "Nonrecurring adoption expenses", reasonable and necessary adoption fees, court costs, attorney fees, and other

expenses which are directly related to the legal adoption of a special needs child and which are not incurred in violation of federal, state, or local law;

(4) "Special needs child", a child for whom it has been determined by the division of family services, **or** by a child placing agency licensed by the state, or by a court of competent jurisdiction to be a child:

(a) That cannot or should not be returned to the home of his or her parents; [and] **or**

(b) Who has a specific factor or condition such as ethnic background, **residency in a distressed community as defined in section 135.530**, age, membership in a minority or sibling group, medical condition, or handicap because of which it is reasonable to conclude that such child cannot be easily placed with adoptive parents; [and] **or**

(c) Except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents;

(5) "State tax liability", any liability incurred by a taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions.

135.327. **1.** Any person residing in this state who [legally adopts] **proceeds in good faith with the adoption of** a special needs child on or after January 1, [1988] **1999**, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child [adopted] that may be applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to enable that employee to [legally adopt] **proceed in good faith with the adoption of** a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child [adopted] that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

2. Individuals and business entities may claim a tax credit for their total nonrecurring adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the credit shall be allowed when the child is placed in the home. A claim for the remaining fifty percent shall be allowed when the adoption is final. The total of these tax credits shall not exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax credits which may be claimed by taxpayers for nonrecurring adoption expenses in any one fiscal year shall not exceed two million dollars.

3. Notwithstanding any provision of law to the contrary, any individual or business entity may assign tax credits allowed in this section to the not for profit organization involved in the adoption proceedings.

135.333. **1.** Any amount of tax credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed a total of five years for which a tax credit may be taken for each child adopted.

2. Tax credits that are assigned to not for profit organizations as allowed in section 135.326, RSMo, may be assigned in their entirety notwithstanding the taxpayer's tax due."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 1** is out of order in that it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Bentley offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1656, Page 23, Section 135.110, Line 6, by inserting immediately after said line the following:

"135.200. The following terms, whenever used in sections 135.200 to 135.256, mean:

- (1) "Department", the department of economic development;
- (2) "Director", the director of the department of economic development;
- (3) "Facility", any building used as a revenue producing enterprise located within an enterprise zone, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;
- (4) "Governing authority", the body holding primary legislative authority over a county or incorporated municipality;
- (5) "New business facility" shall have the meaning defined in section 135.100, except that the term "lease" as used therein shall not include the leasing of property defined in paragraph (d) of subdivision (6) of this section;
- (6) "Revenue producing enterprise", means:
 - (a) Manufacturing activities classified as SICs 20 through 39;
 - (b) Agricultural activities classified as SIC 025;
 - (c) Rail transportation terminal activities classified as SIC 4013;
 - (d) Renting or leasing of residential property to low and moderate income persons as defined in federal law, 42 U.S.C. 5302(a)(20);
 - (e) Motor freight transportation terminal activities classified as SIC 4231;
 - (f) Public warehousing and storage activities classified as SICs 422 and 423 except SIC 4221, miniwarehouse warehousing and warehousing self-storage;
 - (g) Water transportation terminal activities classified as SIC 4491;
 - (h) Wholesale trade activities classified as SICs 50 and 51;
 - (i) Insurance carriers activities classified as SICs 631, 632 and 633;
 - (j) Research and development activities classified as SIC 873, except 8733;
 - (k) Farm implement dealer activities classified as SIC 5999;
 - (l) Employment agency activities classified as SIC 7361;
 - (m) Computer programming, data processing and other computer related activities classified as SIC 737;
 - (n) Health service activities classified as SICs 801, 802, 803, 804, 806, 807, 8092 and 8093;
 - (o) Interexchange telecommunications as defined in subdivision (20) of section 386.020, RSMo, or training activities conducted by an interexchange telecommunications company as defined in subdivision (19) of section 386.020, RSMo;
 - (p) Recycling activities classified as SIC 5093;

(q) Banking activities classified as SICs 602 and 603;

(r) Office activities as defined in subdivision (8) of section 135.100, notwithstanding SIC classification;

(s) Mining activities classified as SICs 10 through 14;

(t) Photofinishing laboratory activities classified in SIC 7384 and microfilm recording and developing services as contained in SIC classification 7389, provided that each such revenue producing enterprise employs a minimum of one hundred employees at a single business facility;

(u) The administrative management of any of the foregoing activities; or

~~[(u)]~~ **(v)** Any combination of any of the foregoing activities;

(7) "Satellite zone", a noncontiguous addition to an existing state designated enterprise zone;

(8) "SIC", the standard industrial classification as such classifications are defined in the 1987 edition of the Standard Industrial Classification Manual as prepared by the Executive Office of the President, Office of Management and Budget."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1656, Pages 48-58, Sections 1-14, by deleting all of said sections.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1656, Page 31, Section 135.530, Line 10 of said page, by deleting on said line the word "either"; and

Further amend said bill, page and section, line 10 and 11 of said page, by deleting on said lines the word "or a United States census block group".

Senator Rohrbach moved that the above amendment be adopted, which motion failed.

Senator Childers offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1656, Page 24, Section 135.258, Line 3, by inserting immediately after said line the following:

"135.313. 1. Any person, firm or corporation who engages in the business of producing charcoal or charcoal products in the state of Missouri shall be eligible for a tax credit on income taxes otherwise due pursuant to chapter 143, RSMo, except sections 143.191 to 143.261, RSMo, as an incentive to implement safe and efficient environmental controls. The tax credit shall be equal to fifty percent of the purchase price of the best available

control technology equipment connected with the production of charcoal in the state of Missouri or, if the taxpayer manufactures such equipment, fifty percent of the manufacturing cost of the equipment, to and including the year the equipment is put into service. The credit may be claimed for a period of eight years beginning with the 1998 calendar year and is to be a tax credit against the tax otherwise due.

2. Any amount of credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed seven years.

3. The charcoal producer may elect to assign to a third party the approved tax credit. Certification of assignment and other appropriate forms must be filed with the Missouri department of revenue and the department of economic development.

4. When applying for a tax credit, the charcoal producer specified in subsection 1 of this section shall make application for the credit to the division of environmental quality of the department of natural resources. The application shall identify the specific best available control technology equipment and the purchase price, or manufacturing cost of such equipment. The director of the department of natural resources is authorized to require permits to construct prior to the installation of best available control technology equipment and other information which he or she deems appropriate.

5. The director of the department of natural resources in conjunction with the department of economic development shall certify to the department of revenue that the best available control technology equipment meets the requirements to obtain a tax credit as specified in this section."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Staples assumed the Chair.

Senator Rohrbach offered SA 6, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1656, Page 31, Section 135.530, Line 11, by deleting the word "group" and inserting the words "groups with at least 5,000 residents".

Senator Rohrbach moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Westfall offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1656, Page 61, Section 21, Line 4, by after all of said section insert the following:

"Section 1. In addition to the number of enterprise zones authorized pursuant to the provisions of sections 135.206, 135.210 and 135.256, the department of economic development shall designate one such zone for any county of third classification with a township form of government with a population of at least eleven thousand but not more than thirteen thousand inhabitants. Such enterprise zone designation shall only be made if the area in the city which is to be included in the enterprise zone meets all the requirements of section 135.205."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 7** is out of order in that it goes beyond the scope and purpose of the bill.

President Pro Tem McKenna ruled the point of order well taken.

President Wilson assumed the Chair.

Senator Goode offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1656, Page 1, Section A, Line 10 of said page, by inserting immediately after all of said line the following:

"99.805. As used in sections 99.800 to 99.865, unless the context clearly requires otherwise, the following terms shall mean:

(1) "Abandoned property", real property previously used for, or which has the potential to be used for, commercial or industrial purposes which reverted to the ownership of the state, a county, or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default or settlement, including conveyance by deed in lieu of foreclosure or a privately owned property endorsed by the city, or county if the property is not in a city, for inclusion in the program which will be transferred to a person other than the potentially responsible party as defined in chapter 250, RSMo, and has been vacant or underutilized;

[(1)] (2) "Blighted area", an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use;

[(2)] (3) "Collecting officer", the officer of the municipality responsible for receiving and processing payments in lieu of taxes or economic activity taxes from taxpayers or the department of revenue;

[(3)] (4) "Conservation area", any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: Dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after **December 23, 1997[, the effective date of this section as it appears in senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly];**

[(4)] (5) "Economic activity taxes", the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after **December 23, 1997[, the effective date of this section as it appears in senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly], if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct**

beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

[(5)] **(6)** "Economic development area", any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions [(1) and (3)] **(2) and (4)** of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:

(a) Discourage commerce, industry or manufacturing from moving their operations to another state; or

(b) Result in increased employment in the municipality; or

(c) Result in preservation or enhancement of the tax base of the municipality;

(7) "Excessive vacancy", any property improved with a building or buildings exhibiting a rate of vacancy of thirty-three percent of the total gross floor area for a period of twelve months or more;

[(6)] **(8)** "Gambling establishment", an excursion gambling boat as defined in section 313.800, RSMo, and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850, RSMo. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after **December 23, 1997**[, the effective date of this section as it appears in senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly];

[(7)] **(9)** "Municipality", a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after **December 23, 1997**[, the effective date of this section as it appears in senate bill no. 1 of the second extraordinary session of the eighty-ninth general assembly], "municipality" applies only to cities, villages, incorporated towns or counties established for at least one year prior to such date;

[(8)] **(10)** "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;

(11) "Obsolete property", any property or combination of properties where building and site improvements have become or are becoming vacant due to deficient design and layout, which exhibit a lack of usability and market rejection for the purposes as built, and where the property or properties involved demonstrate a zero rate of growth or a decline in assessed value for at least three successive reassessment years;

[(9)] **(12)** "Ordinance", an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;

[(10)] **(13)** "Payment in lieu of taxes", those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;

[(11)] **(14)** "Redevelopment area", an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, an economic development area, an enterprise zone pursuant to sections 135.200 to 135.256, RSMo, or a combination thereof, which area includes only those parcels of real property directly and substantially benefited by the proposed

redevelopment project;

[(12)] **(15)** "Redevelopment plan", the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, economic development area, or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;

[(13)] **(16)** "Redevelopment project", any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description of the area selected for the redevelopment project;

[(14)] **(17)** "Redevelopment project costs" include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

(a) Costs of studies, surveys, plans, and specifications;

(b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning or special services. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;

(c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;

(d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;

(e) Initial costs for an economic development area;

(f) Costs of construction of public works or improvements;

(g) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;

(h) All or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;

(i) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or state law;

(j) Payments in lieu of taxes;

(18) "Retail enterprise", any retail activity business classified as SICs 52 through 59 except where such activity is an adjunct classification to a business operation also classified as manufacturing, assembly, or wholesale, SICs 20 through 39 and 51;

(19) "SIC", the standard industrial classification as such classifications are defined in the 1987 edition of the Standard Industrial Classification Manual as prepared by the executive office of the president, office of management and budget or a successor business classification system implemented by an agency or branch of the federal government;

[(15)] **(20)** "Special allocation fund", the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account;

[(16)] **(21)** "Taxing districts", any political subdivision of this state having the power to levy taxes;

[(17)] **(22)** "Taxing districts' capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; [and]

[(18)] **(23)** "Vacant land", any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings.

99.871. 1. Tax increment financing, as provided for in sections 99.800 to 99.865, shall not be utilized for any redevelopment projects that are primarily retail enterprises. For the purposes of this section, "primarily" means that at least fifty-one percent of the area of the redevelopment project is reserved for retail enterprises. Tax increment financing shall be available, however, for redevelopment projects that are primarily retail enterprises if the redevelopment project is located within a redevelopment area that:

(1) Is part of a state or federal enterprise zone, federal empowerment zone, or in a distressed community as defined in section 135.530, RSMo; or

(2) Has at least fifty percent of the residents living within a one-quarter mile radius of the boundaries of the proposed redevelopment area with incomes not greater than the median income of all residents within the county in which the project is located according to the last decennial census; or

(3) Qualifies as abandoned or obsolete, or has excessive vacancies as defined in subdivisions (1), (7) and (11) of section 99.805; or

(4) Consists of an area that meets the criteria required for designation as a "conservation area" as provided for in subdivision (4) of section 99.805 and not more than forty-nine percent of the total land area exclusive of street and highway rights-of-way is vacant land.

2. Before tax increment financing shall be available for any redevelopment project located within a redevelopment area that otherwise qualifies pursuant to subdivision (2), (3) or (4) of subsection 1 of this section, the department of economic development shall determine, upon a physical examination of the proposed redevelopment area, that such area and the surrounding community has declined economically or has developed at a substantially slower rate of growth than the remaining part of that county or metropolitan area; and that the area is in demonstrable need of redevelopment when compared to the remaining part of that county or metropolitan area. Any tax increment financing commission or developer shall, upon request, submit information to the department of economic development to aid in determining whether the area is in demonstrable need of redevelopment. The determination shall be made after the department conducts a hearing on the record and makes a finding that, but for the use of primarily retail enterprises, the area would not be redeveloped at a rate or to an extent comparable to the surrounding community.

3. In no event shall a redevelopment area containing a redevelopment project primarily for retail purposes have a term longer than fifteen years from the date of approval.

4. Subsections 1 and 2 of this section shall not apply to any redevelopment plan or project approved by ordinance before December 31, 1998; provided, however, that this section shall not apply to any redevelopment plan or project approved by ordinance after that date if the department of economic development determines that substantial financial expenditures have occurred with respect to such plan or project prior to August 28, 1998.";
and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 8** is out of order in that it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

At the request of Senator Mathewson, **HS** for **HCS** for **HB 1656**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Caskey moved that **SCS** for **SB 659**, with **HS** for **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SB 659**, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 659

An Act to repeal sections 43.150, 57.201, 57.220, 57.221 and 57.251, RSMo 1994, and sections 43.050 and 57.250, RSMo Supp. 1997, relating to law enforcement officers, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **HS** for **HCS** for **SCS** for **SB 659** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Curls
DePasco	Ehlmann	Flotron	Goode
House	Jacob	Johnson	Klarich
Lybyer	Mathewson	Maxwell	Mueller
Quick	Schneider	Scott	Sims
Westfall	Wiggins	Yeckel--23	
NAYS--Senators			
Graves	Howard	Kenney	Kinder
Rohrbach	Russell	Singleton--7	
Absent--Senators			
Banks	Clay	McKenna	Staples--4
Absent with leave--Senators--None			

Senator Caskey moved that **HS** for **HCS** for **SCS** for **SB 659** be read the 3rd time and finally passed.

At the request of Senator Caskey, the above motion was withdrawn.

Having voted on the prevailing side, Senator Caskey moved that the vote by which **HS** for **HCS** for **SCS** for **SB 659** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Banks--1

Absent with leave--Senators--None

At the request of Senator Caskey, the motion to adopt **HS** for **HCS** for **SCS** for **SB 659** was withdrawn.

Senator Quick announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

Senator Maxwell moved that **HCS** for **HB 1197**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 1197** was again taken up.

Senator Maxwell offered **SS** for **SCS** for **HCS** for **HB 1197**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1197

An Act to amend chapter 620, RSMo, by adding thereto twelve new sections for the purpose of establishing the family development account program.

Senator Maxwell moved that **SS** for **SCS** for **HCS** for **HB 1197** be adopted.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1197, Page 1, Section A, Line 4, by inserting immediately after all of said line the following:

"135.326. As used in sections 135.325 to 135.339, the following terms shall mean:

(1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in

the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo;

(2) "Handicap", a mental, physical, or emotional impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, and where the impairment is verified by medical findings;

(3) "Nonrecurring adoption expenses", reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a special needs child and which are not incurred in violation of federal, state, or local law;

(4) "Special needs child", a child for whom it has been determined by the division of family services, **or** by a child placing agency licensed by the state, or by a court of competent jurisdiction to be a child:

(a) That cannot or should not be returned to the home of his or her parents; [and] **or**

(b) Who has a specific factor or condition such as ethnic background, age, membership in a minority or sibling group, medical condition, or handicap because of which it is reasonable to conclude that such child cannot be easily placed with adoptive parents; [and] **or**

(c) Except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents;

(5) "State tax liability", any liability incurred by a taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions.

135.327. **1.** Any person residing in this state who [legally adopts] **proceeds in good faith with the adoption of** a special needs child on or after January 1, [1988] **1999**, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child [adopted] that may be applied to taxes due under chapter 143, RSMo. Any business entity providing funds to an employee to enable that employee to [legally adopt] **proceed in good faith with the adoption of** a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child [adopted] that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

2. Individuals and business entities may claim a tax credit for their total nonrecurring adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the credit shall be allowed when the child is placed in the home. A claim for the remaining fifty percent shall be allowed when the adoption is final. The total of these tax credits shall not exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax credits which may be claimed by taxpayers for nonrecurring adoption expenses in any one fiscal year shall not exceed two million dollars.

3. Notwithstanding any provision of law to the contrary, any individual or business entity may assign tax credits allowed in this section to the not for profit organization involved in the adoption proceedings.

135.333. **1.** Any amount of tax credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed a total of five years for which a tax credit may be taken for each child adopted.

2. Tax credits that are assigned to not for profit organizations as allowed in section 135.326, RSMo, may be assigned in their entirety notwithstanding the taxpayer's tax due."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell moved that **SS** for **SCS** for **HCS** for **HB 1197**, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, **SS** for **SCS** for **HCS** for **HB 1197**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins--30		
	NAYS--Senators		
Mueller	Rohrbach--2		
	Absent--Senators		
Banks	Yeckel--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for **HB 1536**, with **SCS**, entitled:

An Act to repeal sections 302.291 and 302.292, RSMo 1994, and section 302.130, RSMo Supp. 1997, relating to the reporting and examination of impaired drivers, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions and an effective date.

Was called from the Informal Calendar and taken up by Senator Sims.

SCS for **HCS** for **HB 1536**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1536

An Act to repeal sections 302.291 and 302.292, RSMo 1994, and to enact in lieu thereof two new sections relating to the reporting and examination of impaired drivers, with penalty provisions and an effective date.

Was taken up.

Senator Sims moved that **SCS** for **HCS** for **HB 1536** be adopted, which motion prevailed.

On motion of Senator Sims, **SCS** for **HCS** for **HB 1536** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
NAYS--Senators			
Rohrbach	Russell--2		
Absent--Senator Banks--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

President Pro Tem McKenna assumed the Chair.

PRIVILEGED MOTIONS

Senator Mathewson moved that **SS** for **SB 792**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SB 792**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 792

An Act to repeal sections 408.100, 408.200, 408.232, 408.233, 408.551 and 490.250, RSMo 1994, and sections 362.413, 408.140, 427.125 and 473.543, RSMo Supp. 1997, relating to financial transactions, and to enact in lieu thereof sixteen new sections relating to the same subject.

Was taken up.

Senator Mathewson moved that **HCS** for **SS** for **SB 792**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann

Graves	House	Jacob	Johnson
Kenney	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			

	NAYS--Senators	
Goode	Kinder	Russell--3
	Absent--Senators	
Flotron	Howard--2	
	Absent with leave--Senators--None	

On motion of Senator Mathewson, **HCS** for **SS** for **SB 792**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators		
Goode	Schneider--2		
	Absent--Senators		
Flotron	Quick--2		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator House moved that **SCS** for **SB 922**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 922**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 922

An Act to repeal sections 288.126, 288.150 and 288.290, RSMo 1994, and sections 288.034, 288.090, 288.130, 288.160

and 288.380, RSMo Supp. 1997, relating to employment security, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions and an effective date.

Was taken up.

Senator House moved that **HCS** for **SCS** for **SB 922**, as amended, be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Banks	Curls--2		
	Absent with leave--Senators--None		

On motion of Senator House, **HCS** for **SCS** for **SB 922**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Banks	Curls--2		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Sims moved that **SB 674**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 674, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 674

An Act to repeal sections 376.816 and 453.160, RSMo 1994, and sections 192.016, 211.444, 211.464, 452.402, 453.025, 453.030, 453.040, 453.060, 453.070, 453.075, 453.077, 453.080, 453.112 and 453.170, RSMo Supp. 1997, relating to adoption, and to enact in lieu thereof fifteen new sections relating to the same subject.

Was taken up.

Senator Sims moved that HCS for SB 674, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Banks	Curls--2		
Absent with leave--Senators--None			

On motion of Senator Sims, HCS for SB 674, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Curls	Goode--2		
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob

Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Curls	Goode--2		
	Absent with leave--Senators--None		

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 659**, as amended, and request the House to recede from its position or failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Maxwell moved that **SS** for **SCS** for **SBs 583** and **645**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SBs 583** and **645**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 583 and 645

An Act relating to the common language of the state.

Was taken up.

Senator Maxwell moved that **HCS** for **SS** for **SCS** for **SBs 583** and **645**, as amended, be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Quick
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--28
	NAYS--Senators		
Clay	Mueller	Rohrbach--3	
	Absent--Senators		
Curls	Johnson	Staples--3	

Absent with leave--Senators--None

On motion of Senator Maxwell, **HCS** for **SS** for **SCS** for **SBs 583** and **645**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators		
Clay	Mueller	Rohrbach--3	
	Absent--Senator Curls--1		
	Absent with leave--Senators--None		

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HB 1526**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

CONFERENCE COMMITTEE REPORTS

Senator Bentley, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1683**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1683

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 1683, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Bill No. 1683;

2. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1683, as amended;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1683 be adopted.

FOR THE SENATE:

/s/ Harold Caskey
/s/ John E. Scott
/s/ John D.Schneider
/s/ Larry Rohrbach
/s/ Roseann Bentley

FOR THE HOUSE:

/s/ Rodger Fitzwater
/s/ Rita D. Days
/s/ Randall Relford
/s/ Emmy McClelland
/s/ Charles Pryor

Senator Bentley moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Ehlmann	Flotron--2		
Absent with leave--Senators--None			

Senator Mathewson assumed the Chair.

On motion of Senator Bentley, **CCS** for **SCS** for **HB 1683**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1683

An Act to repeal sections 162.955, 162.961 and 162.963, RSMo Supp. 1997, relating to school age children, and to enact in lieu thereof six new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Sims	Singleton	Staples

Westfall	Wiggins	Yeckel--31
	NAYS--Senators--None	
	Absent--Senators	
Banks	Schneider	Scott--3
	Absent with leave--Senators--None	

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Wiggins, on behalf of the conference committee appointed to act with a like committee from the House on **HB 1301**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 1301

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Bill No. 1301, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Bill No. 1301;
2. That the Senate recede from its position on House Bill No. 1301, as amended;
3. That the attached Conference Committee Substitute for House Bill No. 1301 be adopted.

FOR THE SENATE:

/s/ Harry Wiggins
/s/ Wayne Goode
/s/ Ken Jacob
/s/ Doyle Childers
/s/ Walt Mueller

FOR THE HOUSE:

/s/ Marsha Campbell
/s/ Tim VanZandt
/s/ Joan Bray
/s/ Doug Gaston
/s/ Don Lograsso

Senator Wiggins moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
McKenna	Mueller	Quick	Rohrbach
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		

Maxwell
Russell--2
Absent with leave--Senators--None

Senator Staples assumed the Chair.

On motion of Senator Wiggins, **CCS** for **HB 1301**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1301

An Act to repeal sections 136.365, 136.370, 143.221, 143.521, 143.751, 144.080 and 144.655, RSMo 1994, relating to taxation, and to enact in lieu thereof eight new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Russell--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator McKenna, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointment and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Dorothy L. Green, as a member of the Jackson County Board of Election Commissioners;

Also,

Bruce C. Scott, as a member of the Peace Officer Standards and Training Commission.

Senator McKenna requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator McKenna moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointment and reappointment, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Maxwell, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SB 743**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

SENATE BILL NO. 743

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for Senate Bill No. 743, with House Amendment No. 1; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Bill No. 743, as amended;
2. That the Senate recede from its position on Senate Bill No. 743;
3. That the attached Conference Committee Substitute for House Substitute for Senate Bill No. 743 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Joe Maxwell
/s/ Jim Mathewson
/s/ Harold Caskey
/s/ Morris Westfall
/s/ Doyle Childers

FOR THE HOUSE:

/s/ Thomas J. Hoppe
/s/ James M. Foley
/s/ Carol Jean Mays
/s/ John E. Griesheimer
/s/ C. Ross

Senator Maxwell offered **CCA 1**, which was read:

CONFERENCE COMMITTEE

AMENDMENT NO. 1

Amend Conference Committee Substitute for House Substitute for Senate Bill No. 743, Page 51, Section 190.105, Line 9 of said page, by inserting at the end of said line the following: "**in a political subdivision in**".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell moved that the conference committee report, as amended, be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney

Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senator Rohrbach--1			
Absent--Senator Schneider--1			
Absent with leave--Senators--None			

On motion of Senator Maxwell, **CCS** for **HS** for **SB 743**, as amended, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

SENATE BILL NO. 743

An Act to repeal sections 44.010, 44.020, 44.022, 44.024, 44.028, 44.032, 44.080, 44.090, 44.100, 44.110, 44.112, 44.113, 190.005, 190.010, 190.015, 190.043, 190.055, 190.060, 190.073, 190.093, 190.095, 190.100, 190.105, 190.110, 190.115, 190.120, 190.125, 190.130, 190.135, 190.140, 190.141, 190.150, 190.155, 190.160, 190.165, 190.171, 190.175, 190.180, 190.190, 190.235, 190.237, 190.239, 190.241, 190.243, 190.245 and 190.247, RSMo 1994, and section 190.145 as both versions appear in RSMo Supp. 1997, and section 190.185, RSMo Supp. 1997, relating to emergency response, and to enact in lieu thereof fifty-five new sections relating to the same subject, with an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Rohrbach--1			
Absent--Senators			
House	Russell	Schneider--3	
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Russell
Scott	Sims	Singleton	Staples

Westfall	Wiggins	Yeckel--31
	NAYS--Senator Rohrbach--1	
	Absent--Senators	
Curls	Schneider--2	
	Absent with leave--Senators--None	

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Flotron, on behalf of the conference committee, appointed to act with a like committee from the House on **HCS** for **HB 1189**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1189

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Committee Substitute for House Bill No. 1189, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 1189;
2. That the Senate recede from its position on House Committee Substitute for House Bill No. 1189, as amended;
3. That the attached Conference Committee Substitute for House Committee Substitute for House Bill No. 1189 be adopted.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Ed Quick	/s/ Chris Liese
/s/ John E. Scott	/s/ Gene Copeland
/s/ Franc Flotron	/s/ Ed Hartzler
/s/ David Klarich	/s/ M. E. Johnson
Phil Curls	/s/ Gary Burton

Senator Flotron moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None
Absent--Senators
Curls Schneider--2
Absent with leave--Senators--None

On motion of Senator Flotron, **CCS** for **HCS** for **HB 1189**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1189

An Act to repeal sections 408.036 and 408.500, RSMo 1994, relating to credit transactions, and to enact in lieu thereof three new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Curls	Schneider--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HS** for **HCS** for **HBs 1147, 1435, 1050, 1186 and 1108** and has again taken up and passed **SS** for **SCS** for **HS** for **HCS** for **HBs 1147, 1435, 1050, 1186 and 1108**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SB 781** and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 781**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HS** for **HCS** for **HBs 1405, 1109 and 1335**, as amended, and has again taken up and passed **SS** for **SCS** for **HS** for **HCS** for **HBs 1405, 1109 and 1335**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SCS** for **SBs 614, 696, 906, 530, 912 and 914** and has taken up and passed **CCS** for **HS** for **HCS** for **SCS** for **SBs 614, 696, 906, 530, 912 and 914**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 659** and grants the Senate a conference thereon.

President Wilson assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Maxwell, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HS** for **HB 1694**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT

ON SENATE SUBSTITUTE

FOR SENATE COMMITTEE SUBSTITUTE

FOR HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 1694

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1694, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Bill No. 1694, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1694, as amended;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 1694 be adopted.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Joe Maxwell	/s/ Ted Farnen
/s/ Harold Caskey	/s/ Tim Harlan
/s/ Bill McKenna	/s/ Steve Gaw

/s/ Franc Flotron	/s/ Norma Champion
/s/ Morris Westfall	/s/ Don Summers

Senator Maxwell moved that the above conference committee report be adopted.

At the request of Senator Maxwell, the above motion was withdrawn.

HOUSE BILLS ON THIRD READING

HCS for **HB 1526**, with **SCS**, entitled:

An Act to repeal sections 367.044, 367.045, 367.047, 367.048 and 367.050, RSMo 1994, relating to pledged property, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

Was taken up by Senator DePasco.

SCS for **HCS** for **HB 1526**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1526

An Act to repeal sections 367.044, 367.045, 367.047, 367.048 and 367.050, RSMo 1994, relating to pledged property, and to enact in lieu thereof nineteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator DePasco moved that **SCS** for **HCS** for **HB 1526** be adopted, which motion prevailed.

On motion of Senator DePasco, **SCS** for **HCS** for **HB 1526** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Curls--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HS** for **HCS** for **HB 1434**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 1434**, with **SCS**, entitled:

An Act to repeal section 301.177, RSMo 1994, and sections 301.025, 301.131, 301.140, 301.145, 301.177, 301.441, 301.443, 301.444, 301.445, 301.447, 301.448, 301.449, 301.451, 301.453, 301.454, 301.456, 301.457, 301.458, 301.459, 301.461, 301.462, 301.463, 301.464, 301.465 and 301.466, RSMo Supp. 1997, and section 301.144, as enacted by senate bill no. 70 of the first regular session of the eighty-eighth general assembly, 1995, and approved by the governor, and section 301.144, as enacted by senate bill no. 3 of the first regular session of the eighty-eighth general assembly, 1995, and approved by the governor, relating to motor vehicle license plates, and to enact in lieu thereof forty-two new sections relating to the same subject, with an emergency clause.

Was taken up by Senator McKenna.

SCS for **HS** for **HCS** for **HB 1434**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1434

An Act to repeal section 301.177, RSMo 1994, sections 301.025, 301.129, 301.131, 301.140, 301.145, 301.177, 301.441, 301.443, 301.444, 301.445, 301.447, 301.448, 301.449, 301.451, 301.453, 301.454, 301.456, 301.457, 301.458, 301.459, 301.461, 301.462, 301.463, 301.464, 301.465 and 301.466, RSMo Supp. 1997, sections 301.130 and 301.144, as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 70 of the first regular session of the eighty-eighth general assembly, and sections 301.130 and 301.144, as enacted by house committee substitute for senate substitute for senate bill no. 3 of the first regular session of the eighty-eighth general assembly, relating to motor vehicle license plates, and to enact in lieu thereof forty-three new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator McKenna moved that **SCS** for **HS** for **HCS** for **HB 1434** be adopted.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1434, Page 13, Section 301.144, Line 6, by striking the word "passenger"; and

Further amend said bill, page 15, Section 301.177, line 3, by striking the word "fifteen" and inserting in lieu thereof the following: "**thirty**"; and

Further amend said bill and section, page 16, line 19, by striking the word "fifteen" and inserting in lieu thereof the following: "**thirty**"; and further amend line 20, by striking the words "issuance by the director to the buyer" and inserting in lieu thereof the word "**purchase**"; and

Further amend said bill, page 44, Section 13, line 4, by inserting immediately after "owner." the following: "**The director may issue a tab to the owner to be placed upon the existing plate as proof of registration.**".

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1434, Page 47, Section 15, Line 31, by inserting after all of said line the following:

"Section 16. 1. Any paramedic or emergency medical technician may apply for emergency medical services license plates for any motor vehicle such person owns, either solely or jointly, for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055, RSMo, or for a local or nonlocal property-carrying commercial motor vehicle licensed for a gross weight not in excess of twelve thousand pounds as provided in section 301.057 or 301.058, RSMo.

2. Any such person shall make application for the emergency medical services license plates on a form provided by the director of revenue and furnish proof of being a paramedic or emergency medical technician as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "EMERGENCY MEDICAL SERVICES" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130, RSMo. Such plates shall also bear an emblem representing emergency medical services.

3. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for a set of emergency medical services license plates issued or renewed pursuant to this section. No more than one set of emergency medical services license plates may be issued to a qualified applicant. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered coowner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Mueller offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1434, Page 47, Section 15, Line 31, by inserting after said line the following:

"Section 16. 1. Any person may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to the Missouri Drug Abuse Resistance Education (D.A.R.E.) Officers' Association. The Missouri D.A.R.E. Officers' Association hereby authorizes the use of its official emblem to be affixed on multi-year personalized license plates as provided in this section.

2. Any contribution to the Missouri D.A.R.E. Officers' Association derived from this section, except reasonable administrative costs, shall be used solely for the purpose of promoting and supporting the objectives of the

Missouri D.A.R.E. Officers' Association. Any person may annually apply for the use of the emblem.

3. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri D.A.R.E. Officers' Association, the association shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the person to the director of the department of revenue at the time of registration of a motor vehicle.

4. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, RSMo, and other fees and documents which may be required by law, the director shall issue a personalized license plate, which shall bear the emblem of the Missouri D.A.R.E. Officers' Association in a form prescribed by the director to the vehicle owner. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130, RSMo.

5. A vehicle owner, who was previously issued a plate with the Missouri D.A.R.E. Officers' Association's emblem authorized by this section, but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri D.A.R.E. Officers' Association's emblem, as otherwise provided by law.

6. The director of the department of revenue shall promulgate rules and regulations for the administration of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1434, Page 1, In the Title, Lines 10-11, by striking the words "vehicle license plates" and inserting in lieu thereof the word "vehicles"; and

Further amend said bill, Page 35, Section 301.466, Line 27, by inserting immediately after all of said line the following:

"302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person **who is under twenty-one years of age** operating or riding as a passenger on any motorcycle or

motortricycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. Notwithstanding the provisions of section 302.340, violation of subsection 1 of this section shall be deemed a class C misdemeanor and the penalty for failure to wear protective headgear as required by subsection 2 of this section shall be deemed an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear.

302.138. The provisions of sections 302.133 [through] **to** 302.137 shall terminate on August 28, [1999] **2002.**"; and

Further amend the title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted.

Senator Scott raised the point of order that **SA 4** is out of order in that it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Goode offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1434, Page 35, Section 301.466, Line 27, by inserting immediately after all of said line the following:

"643.310. 1. The commission may, by rule, establish a motor vehicle emissions inspection program [under] **pursuant to** sections 643.300 to 643.355 for any portion of a nonattainment area located within the area described in subsection 1 of section 643.305, except for any portion of the nonattainment area which is located in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census, if the commission determines that such motor vehicle emissions inspection program is necessary in that area to comply with the requirements of subsection 1 of section 643.305, except that no motor vehicle emission inspection program shall be established under this section in any area for which the sale or dispensing of conventional gasoline for use in motor vehicles is prohibited under the federal Clean Air Act, as amended, 42 U.S.C. 7545. The commission shall ensure that, for each nonattainment area, the state implementation plan established [under] **pursuant to** subsection 1 of section 643.305 incorporates and receives all applicable credits allowed by the United States Environmental Protection Agency for emission reduction programs in other nonattainment areas of like designation in other states. The commission shall ensure that emission reduction amounts established [under] **pursuant to** subsection 2 of section 643.305 shall be consistent with and not exceed the emissions reduction amounts required by the United States Environmental Protection Agency for other nonattainment areas of like designation in other states. No motor vehicle emissions inspection program shall be required to comply with subsection 1 of section 643.305 unless the plan established thereunder takes full advantage of any changes in requirements or any agreements made or entered into by the United States Environmental Protection Agency and any entity or entities on behalf of a nonattainment area concerning compliance with National Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder. The air conservation commission shall request and it shall be the duty of the attorney general to bring, in a court of competent jurisdiction, an action challenging the authority of the United States Environmental Protection Agency to impose sanctions for failure to attain National Ambient Air Quality Standards and failure to provide for required emission reductions under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. The action shall **at a minimum** seek to define the required emission reductions and the credits allowed for current and planned emission reductions measures. The air conservation commission shall request and it shall be the duty of the attorney general to bring an action to obtain injunctive relief to enjoin and restrain the imposition of sanctions on the state of Missouri under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., until all actions initiated under this section have been decided. Provisions of section 307.366, RSMo, to the contrary notwithstanding, the requirements of sections 643.300 to 643.355 shall apply to those areas designated by the

commission [under] **pursuant** to this section in lieu of the provisions of section 307.366, RSMo.

2. **No later than the effective date of this section, the department of natural resources and the Missouri highway patrol shall enter into an interagency agreement covering all aspects of the administration and enforcement of section 307.366, RSMo, and sections 643.300 to 643.355.**

3. (1) The department [shall contract with one or more persons to provide any motor vehicle emissions inspection program established under sections 643.300 to 643.355] **with the cooperation and approval of the commissioner of administration, shall select a person or persons to operate an inspection facility or inspection program pursuant to sections 643.300 to 643.355, under a bid procedure or under a negotiated process or a combination thereof based on criteria and expectations established by the department. This process may use either a licensing arrangement or contractual arrangement with the selected party or parties. The selection of persons to operate inspection facilities or inspection programs shall be exempt from the provisions of all site procurement laws. The number of locations shall be no less than the number needed to provide adequate service to customers and establish an emissions inspection program which satisfies the requirements of this section. Each person who is authorized to operate a station pursuant to this section shall be capable of providing adequate and cost-effective service to customers.**

(2) **Service management, coordination and data processing may be provided by the department or by another person, including a contractor or licensee, based upon the most cost-effective proposal for service.**

(3) **A license or contract shall be for a period of up to seven years, consistent with the provisions of article IV, section 28 of the Missouri Constitution, and licenses or contracts shall be annually reviewed. A license or contract may be suspended or revoked if the licensee or contractor is not meeting the conditions of sections 643.300 to 643.355, all applicable rules, the license agreement or contract as determined by the department. A licensee or contractor found to have violated sections 643.300 to 643.355, applicable rules or the conditions of the license agreement or contract shall be in violation of section 643.151 and subject to the penalties provided thereunder.**

[3. The department may purchase the motor vehicle emissions inspection facilities pursuant to appropriations specifically provided for that purpose. The department may lease, sublease or license the facilities to the contractor or contractors for the purpose of fulfilling the obligations of the contract for the motor vehicle emissions inspection program.]

4. The inspection program shall satisfy the following criteria:

(1) There shall be an adequate number of stations to ensure that no more than twenty percent of all persons residing in an affected nonattainment area reside farther than five miles from the nearest inspection station, and consideration shall be given to employment, locations and commuting patterns when selecting the locations of the stations. **When selecting locations and determining the adequacy of the number and location of stations, the commission shall give public convenience the highest priority, and the opportunity for financial viability of the stations shall also be considered;**

(2) There shall be an adequate number of inspection lanes at each facility so that no more than five percent of all persons having an inspection are required to wait more than fifteen minutes before the inspection begins;

(3) The days and daily hours of operation shall include at least those hours specified by the department, which shall include, at a minimum, twelve continuous hours of operation on all weekdays excepting federal holidays, and six continuous hours of operation on all Saturdays excepting federal holidays;

(4) The emissions inspection program shall include a simulated on-road emissions inspection component, including **nonintrusive** pressure and **nonintrusive** purge tests, which satisfies **at least** the **minimum** requirements established by regulation of the United States Environmental Protection Agency **for such components and tests** and may include a visual inspection component, **provided that no vehicle that passes all emissions inspection components of the test shall be failed on the basis of the visual inspection component of the test;**

(5) The inspection stations shall be test-only stations and shall not offer motor vehicle emissions repairs, parts or services of any kind;

(6) No person operating or employed by an emissions inspection station shall repair or maintain motor vehicle emission systems or pollution control devices for compensation of any kind;

(7) The inspections shall be performed by an inspector who has been approved and certified by the commission, and the inspector performing such inspections shall satisfy all applicable requirements of sections 643.300 to 643.355.

5. The commission, the department of economic development and the office of administration shall, in cooperation with the minority business advocacy commission, select the contractor or contractors **or licensees** to provide an inspection program which satisfies the [minimum] requirements of this section in accordance with the requirements of section 33.752, RSMo, and chapter 34, RSMo. The commission, the office of administration and the department of economic development, in cooperation with the minority business advocacy commission shall ensure adequate minority business participation in the selection of the contractor or contractors **or licensees** to provide an inspection program [under] **pursuant to** this section. The commission, the office of administration and the department of economic development shall ensure adequate participation of Missouri businesses in the selection of the contractor or contractors **or licensees** to provide an inspection program [under] **pursuant to** this section.

6. With approval of the commission and under rules adopted by the commission, [an] **any person, entity, or** organization [whose members are motor vehicle dealers or leasing companies] may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned and held for sale or lease by the **person, entity, or** members of the organization. With approval of the commission and under rules adopted by the commission, any person operating a fleet of [five] **one** hundred or more motor vehicles may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned or leased and operated by the person establishing the facility. The inspections performed in facilities established [under] **pursuant to** this subsection shall be performed by [a contractor selected] **an inspector approved and certified** by the commission [under this section] and the [contractor] **inspector** performing such inspections shall [be responsible solely to the department and shall] satisfy all applicable requirements of sections 643.300 to 643.355.

7. Any person who owns Missouri analyzer system emission inspection equipment as defined by rule, used to provide emissions inspections [under] **pursuant to** section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established [under] **pursuant to** sections 643.300 to 643.355 may, within twelve months of the implementation of an emissions inspection program [under] **pursuant to** sections 643.300 to 643.355, sell such equipment, to the department of natural resources at current market value as established by an independent appraisal provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall purchase such equipment using funds appropriated for that purpose from the Missouri air emission reduction fund. Any person who, prior to January 1, 1992, contracted to lease or lease purchase, or purchased by borrowing a portion of the funds secured by a chattel mortgage, Missouri Analyzer System emission inspection equipment used to provide emissions inspections [under] **pursuant to** section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established [under] **pursuant to** sections 643.300 to 643.355, and has made all payments required under the contract, may, within twelve months of the implementation of an emissions inspection program [under] **pursuant to** sections 643.300 to 643.355, request the department of natural resources to take possession of such equipment and assume all payment obligations owed on such equipment which obligations are not in excess of one hundred and twenty-five percent of the current market value as established by an independent appraisal, provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall take possession of such equipment and pay such obligations using funds appropriated for that purpose from the Missouri air emission reduction fund.

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are **or are to be** domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions

inspection program [under] **pursuant to** sections 643.300 to 643.355 shall be inspected and approved prior to sale or transfer. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved under the emissions inspection program established [under] **pursuant to** sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved under the emissions inspection program established [under] **pursuant to** sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle.

2. No emission standard established by the commission for a given make and model year shall [exceed the lesser] **be more stringent than the less stringent** of the following:

(1) The emission standard for that vehicle model year as established by the United States Environmental Protection Agency; or

(2) The emission standard for that vehicle make and model year as established by the vehicle manufacturer.

3. The inspection requirement of subsection 1 of this section shall apply to all motor vehicles except:

(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;

(2) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(3) Model year vehicles prior to 1971;

(4) Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline which are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

(5) Motor vehicles registered in an area subject to the inspection requirements of sections 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of such vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a waiver which shall be presented at the time of registration or registration renewal; and

(6) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user.

4. The commission may, by rule, allow inspection reciprocity with other states having equivalent or more stringent testing and waiver requirements than those established [under] **pursuant to** sections 643.300 to 643.355.

5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.250, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections 643.300 to 643.355 either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection[;].

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established [under] **pursuant to** sections 643.300 to 643.355 or by obtaining a waiver [under] **pursuant to** section 643.335[;]. **A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred**

and twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within fourteen days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days[, or the dealer shall either provide a full refund of the vehicle purchase price or provide a comparable vehicle until the original vehicle is returned to the purchaser with a valid emissions certificate and sticker. If the dealer cannot return the vehicle with a valid emissions certificate and sticker within fifteen additional working days, then, at the purchaser's option, the purchaser may return the vehicle to the dealer for a full refund of the vehicle purchase price, which may include a vehicle taken on trade or the amount allowed for a vehicle taken on trade or the purchaser and dealer may enter into any other mutually acceptable agreement]. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within fourteen days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, [or the dealer shall either provide a full refund of the vehicle purchase price or provide a comparable vehicle until the original vehicle is returned to the purchaser with a valid emissions certificate and sticker or, if the vehicle cannot be inspected and approved within fifteen additional working days, then the purchaser may choose to return the vehicle for a full refund, which may include a vehicle taken on trade or the amount allowed for a vehicle taken on trade,] or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required [under] **pursuant to** sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided [under] **pursuant to** subsection 2 of section 307.380, RSMo.

643.320. 1. The commission shall establish, by rule, procedures, standards, and requirements for the operation of emissions inspection stations and the conduct of emissions inspections.

2. The emissions inspection stations shall be operated in accordance with all requirements established by the commission [under] **pursuant to** this section.

3. The department shall cause unannounced inspections to be made of the operation of each emissions inspection station at least once during each calendar year. The inspection may include submitting a known high emission vehicle for inspection without prior disclosure to the inspection station.

4. The department may require emissions inspection stations to furnish reports, upon forms furnished by the department for that purpose, that the department considers necessary for the administration of sections 643.300 to 643.355.

5. No emissions inspection required [under] **pursuant to** sections 643.300 to 643.355 may be performed at an emissions inspection station unless there is conspicuously posted on the premises of the emissions inspection station a sign which is at least eight feet high and sixteen feet wide and which sign bears the legend: "This inspection is mandated by the United States Environmental Protection Agency under powers granted to it by your United States Senators and Representatives in Washington, D.C." A standard sign, designed by the department and containing letters of at least six inches in height, shall be used by all emissions inspection stations. Such signs shall be furnished by the department to each emissions inspection station at no cost to the station.

6. The commission shall establish, by rule, procedures, standards and requirements for the certification of emissions inspectors and for the certification of repair technicians. In establishing such procedures, standards and requirements, and in certifying inspectors or technicians pursuant to this section, the commission may adopt the tests, standards and certifications of a nationally recognized accreditation organization for automotive emissions inspectors or automotive repair technicians. Any person who demonstrates his or her knowledge and ability to conduct an inspection in compliance with the procedures, standards, and requirements established by

the commission may be issued a certificate to conduct inspections pursuant to sections 643.300 to 643.355.

643.335. 1. The commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which, prior to January 1, 2001, shall be no greater than seventy-five dollars for model year vehicles prior to 1981, no greater than two hundred dollars for model year vehicles of 1981 to 1996 and no greater than four hundred and fifty dollars for model year vehicles of 1997 and all subsequent model years. On and after January 1, 2001, the commission may, by rule, set the waiver amount, except that the waiver amount shall not exceed the waiver amount provided in the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder for the enhanced motor vehicle emissions inspection.

2. The commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval.

3. The waiver form established [under] **pursuant to** subsection 2 of this section shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the emissions inspection contractor that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

4. A vehicle which fails upon reinspection to meet the emissions standards specified by the commission shall have the emissions standards waived and receive approval only if the owner furnishes a complete, signed affidavit satisfying the requirements of subsection 3 of this section and the cost of the [repair] **parts, repairs** and adjustment work performed is equal to or greater than the waiver amount established by the commission. **Costs for repair work may only be included toward reaching the waiver amount if the repairs are performed by a repair technician certified by the commission.**

5. No cost for parts, repairs or adjustments shall be included toward reaching the waiver amount if such costs are covered by an emission control performance warranty provided by the manufacturer at no additional cost to the vehicle owner unless the vehicle owner provides, with the affidavit, a written denial of warranty remedy from the motor vehicle manufacturer, dealer or other person providing the warranty.

6. No cost for parts, repairs or adjustments shall be included toward reaching the waiver amount if such costs are required to correct the effects of tampering with emissions systems or air pollution control devices.

643.350. 1. A fee, not to exceed twenty-four dollars, may be charged for an emissions inspection conducted under the emissions inspection program established pursuant to sections 643.300 to 643.355, except that on days of operation, other than the last three days of operation in each calendar month, the fee shall be reduced by:

(1) Five dollars for any person who is required to wait more than fifteen minutes before the inspection begins; **and**

(2) Ten dollars for any person who is required to wait more than thirty minutes before the inspection begins[; and

(3) Twenty dollars for any person who is required to wait more than sixty minutes before the inspection begins]. **The waiting time shall begin at the time when the customer's vehicle is on the premises of the inspection station and available for inspection.**

2. The commission shall establish, by rule, a time-stamping system to ensure that the time of arrival and the time inspection begins is accurately recorded for each vehicle at each emissions inspection facility.

3. The fee shall be conspicuously posted on the premises of each emissions inspection station.

4. The commission shall establish, by rule, the portion of the fee amount to be remitted by the contractor to the director of revenue and the number of days allowed for remitting fees.

5. The contractor shall remit the portion of fees collected, as established by the commission [under] **pursuant to** this section, to the director of revenue within the time period established by the commission. The director of revenue shall deposit the fees received in the state treasury to the credit of the "Missouri Air Emission Reduction Fund", which is hereby created. Moneys in the fund shall, subject to appropriation, be expended for the administration and enforcement of sections 643.300 to 643.355 **by the department of natural resources, the Missouri highway patrol, and other appropriate agencies**. Any balance in the fund at the end of the biennium shall remain in the fund and shall not be subject to the provisions of section 33.080, RSMo. All interest earned by moneys in the fund shall accrue to the fund.

6. In addition to funds from the Missouri air emission reduction fund, costs of capital or operations may be supplemented, upon appropriation, from the general revenue fund, the state highway department fund, federal funds or other funds available for that purpose.

643.355. 1. Any person who knowingly misrepresents himself **or herself** as an official emissions inspection station [shall be] **or a certified inspector or a certified repair technician** is guilty of a class C misdemeanor for the first offense and a class B misdemeanor for any subsequent offense. Any person who is found guilty or who has pleaded guilty to a violation of this subsection shall be considered to have committed an offense for the purposes of this subsection.

2. Any person who knowingly manufactures, conveys or possesses any counterfeit or illegally obtained emissions inspection certificate or a counterfeit or illegally obtained emissions inspection sticker [shall be] **is** guilty of a class C misdemeanor for the first offense and a class B misdemeanor for any subsequent offense. Any person who is found guilty or who has pleaded guilty to a violation of this subsection shall be considered to have committed an offense for the purposes of this subsection.

3. Any person who knowingly displays or permits to be displayed, on any motor vehicle owned by such person, any counterfeit or illegally obtained emissions inspection sticker [shall be] **is** guilty of an infraction.

4. Any person who knowingly uses any counterfeit or illegally obtained emissions inspection certificate for the purpose of obtaining any motor vehicle registration [shall be] **is** guilty of an infraction for the first offense, a class C misdemeanor for the second offense and a class B misdemeanor for any subsequent offense.

5. Any person who knowingly operates a motor vehicle required to be inspected and approved [under] **pursuant to** sections 643.300 to 643.355 without displaying a valid emissions inspection sticker as required [under] **pursuant to** section 643.315 [shall be] **is** guilty of an infraction for the first offense, a class C misdemeanor for the second offense and a class B misdemeanor for any subsequent offense.

6. Except as otherwise provided in this section, any person who violates a requirement of sections 643.300 to 643.355 or a rule promulgated to enforce sections 643.300 to 643.355 [shall be] **is** guilty of an infraction.

7. The superintendent of the highway patrol may seize documents which the superintendent suspects are counterfeit or illegally obtained in violation of this section for the purpose of enforcing this section. Any person who violates any procedural requirement of sections 643.300 to 643.355 [shall be] **is** subject to a fine, and such fine shall be not less than five times the amount of the fee charged pursuant to section 643.350 or one hundred dollars, whichever is greater, if the violation is intentional or one involving gross negligence."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Scott raised the point of order that **SA 5** is out of order in that it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator McKenna moved that **SCS** for **HS** for **HCS** for **HB 1434**, as amended, be adopted, which motion prevailed.

On motion of Senator McKenna, **SCS** for **HS** for **HCS** for **HB 1434**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Curls	Jacob--2		
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Curls	Flotron	Jacob	Sims
Staples--5			
	Absent with leave--Senators--None		

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Quick requested unanimous consent of the Senate to allow the rear gallery to be a part of the Senate floor, which request was granted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 659**: Representatives: Crump, Kissell, Ransdall, Barnett and Alter.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report No. 2 on **HS** for **HCS** for **SB 487** and requests a further conference on **HS** for **HCS** for **SB 487**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate further conference on **SS** for **SCS** for **HCS** for **HB 1095**. And the Speaker reappoints the following conferees: Representatives Smith, Gaw, Davis 122, Legan and Elliott.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 619** as amended and grants the Senate a conference thereon, and further that the House conferees are allowed to exceed the differences on **HSA 1** for **HA 2**. The Speaker has appointed the following conferees: Representatives: Stoll, Leake, Wiggins, Edwards-Pavia and Marble.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 1095**, as amended: Senators McKenna, Scott, Mathewson, Ehlmann and Childers.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 659**, as amended: Senators Caskey, Lybyer, Scott, Singleton and Klarich.

Also,

President Pro Tem McKenna appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 619**, as amended: Senators McKenna, Goode, Lybyer, Flotron and Ehlmann.

On motion of Senator Quick, the Senate recessed until 1:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Scott.

CONFERENCE COMMITTEE REPORTS

Senator McKenna, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 619**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 619

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Bill No. 619, with House Substitute Amendment No. 1 for House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5 and House Amendment No. 6; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute Amendment No. 1 for House Amendment No. 2;
2. That the Senate recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 619 and House Substitute Amendment No. 1 for House Amendment No. 1, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5 and House Amendment No. 6;
3. That the attached Conference Committee Amendment No. 1 be adopted; and
4. That House Substitute for House Committee Substitute for Senate Bill No. 619, with House Substitute Amendment No. 1 for House Amendment No. 1, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5, House Amendment No. 6 and Conference Committee Amendment No. 1, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Bill McKenna
/s/ Mike Lybyer
/s/ Wayne Goode
/s/ Franc Flotron
/s/ Steve Ehlmann

FOR THE HOUSE:

/s/ Stephen Stoll
/s/ Sam Leake
/s/ Gary Wiggins
/s/ Marilyn Edwards-Pavia
/s/ Gary Marble

CONFERENCE COMMITTEE

AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 619, Page 126, Section 414.415, Line 21 of said page, by inserting immediately after said line the following:

"Section 1. The air conservation commission may establish, by rule, a state reformulated gasoline program to prohibit the sale or dispensing of conventional gasoline for use in motor vehicles. If established, such program shall be implemented and reformulated gasoline shall be available at the retail level in the nonattainment area described in section 643.305, RSMo, by June 1, 1999. The effectiveness of such program in improving air quality shall be at least equal to, and cost competitive with, the federal reformulated gasoline program, 42 U.S.C. 7545. Subject to the conditions of this section, any reformulated gasoline program established pursuant to this section shall not preclude the use of ethanol."; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above conference committee report be adopted.

Senator Klarich offered a substitute motion that the Senate refuse to concur in the conference committee report on **HS** for **HCS** for **SB 619**, as amended, and request the House to grant further conference and that the Senate conferees be instructed to remove Franklin County from the non-attainment area in regards to reformulated gas.

At the request of Senator Klarich, the above substitute motion was withdrawn.

President Wilson assumed the Chair.

Senator McKenna moved that the conference committee report on **HS** for **HCS** for **SB 619** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Scott
Sims	Singleton	Staples	Westfall
Wiggins--29			
NAYS--Senators			
Ehlmann	Klarich	Russell	Schneider
Yeckel--5			
Absent--Senators--None			
Absent with leave--Senators--None			

On motion of Senator McKenna, **HS** for **HCS** for **SB 619**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Lybyer	Maxwell
McKenna	Quick	Rohrbach	Russell
Scott	Singleton	Staples	Westfall
Wiggins--25			
NAYS--Senators			
Ehlmann	Flotron	Klarich	Mueller
Schneider	Sims	Yeckel--7	
Absent--Senators			
Banks	Mathewson--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SS** for **SCS** for **HS** for **HCS** for **HB 1095** and has taken up and passed **CCS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1095**.

CONFERENCE COMMITTEE REPORTS

Senator McKenna, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 1095**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT NO. 2 ON SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1095

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1095, as amended;
- 2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095, as amended;
- 3. That the attached Conference Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1095 be adopted.

FOR THE SENATE:
/s/ Bill McKenna
/s/ John E. Scott
/s/ Jim Mathewson
/s/ Steve Ehlmann
/s/ Doyle Childers

FOR THE HOUSE:
/s/ Philip Smith
/s/ Steve Gaw
/s/ D. J. Davis
/s/ Ken Legan
/s/ T. Mark Elliott

Senator McKenna moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senators--None

On motion of Senator McKenna, **CCS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HB 1095**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1095

An Act to repeal sections 610.010, 610.015, 610.020, 610.022, 610.023, 610.026, 610.027, 610.029, 610.030, 610.105 and 610.125, RSMo 1994, and sections 43.503, 610.021, 610.100 and 610.200, RSMo Supp. 1997, relating to public meetings and records, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Maxwell moved that the conference committee report on **SS** for **SCS** for **HS** for **HB 1694**, as amended, be taken up for adoption, which motion prevailed.

Senator Maxwell moved that the above conference committee report be adopted, which motion prevailed by the

following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Russell	Schneider	Scott
Staples	Westfall	Wiggins--27	
NAYS--Senators			
Kinder	Mueller	Rohrbach	Sims
Singleton	Yeckel--6		
Absent--Senator Quick--1			
Absent with leave--Senators--None			

On motion of Senator Maxwell, **CCS** for **SS** for **SCS** for **HS** for **HB 1694**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 1694

An Act to repeal section 173.260, RSMo 1994, and to enact in lieu thereof twenty-one new sections relating to financial assistance for certain students, with an effective date for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Graves	House	Howard
Jacob	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Quick	Russell
Scott	Staples	Westfall	Wiggins--24
NAYS--Senators			
Kenney	Kinder	Klarich	Mueller
Rohrbach	Sims	Singleton	Yeckel--8
Absent--Senators			
Goode	Schneider--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 659**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 659

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 659; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 659;
2. That the attached Conference Committee Amendment No. 1 be adopted.
3. That the House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 659 with Conference Committee Amendment No. 1 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Harold Caskey
/s/ Mike Lybyer
/s/ John E. Scott
/s/ Marvin Singleton
/s/ David Klarich

FOR THE HOUSE:

/s/ Wayne Crump
/s/ Don Kissell (17)
/s/ Bill Ransdall
/s/ Bill Alter
/s/ Rex Barnett

CONFERENCE COMMITTEE

AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 659, Pages 1-3, Section 43.050, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	House	Jacob	Johnson
Kinder	Klarich	Lybyer	Mathewson

McKenna	Mueller	Quick	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators		
Childers	Graves	Howard	Kenney
Rohrbach	Russell--6		
	Absent--Senator Maxwell--1		
	Absent with leave--Senators--None		

Senator Staples assumed the Chair.

On motion of Senator Caskey, **HS** for **HCS** for **SCS** for **SB 659**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators		
Childers	Howard	Rohrbach	Russell--4
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Schneider moved that **SCS** for **HB 1880** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Schneider, **SCS** for **HB 1880** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Wiggins	Yeckel--32

Rohrbach
NAYS--Senators
Westfall--2
Absent--Senators--None
Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Caskey moved that **HB 1239**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

Senator Caskey moved that **HB 1239**, as amended, be read the 3rd time and finally passed.

Senator Kenney raised the point of order that the conference committee report goes beyond the scope and purpose of the subject matter of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Schneider offered a substitute motion that the Senate request the House to grant the Senate a further conference.

At the request of Senator Caskey, the motion for 3rd reading was withdrawn.

HOUSE BILLS ON THIRD READING

Senator Mathewson moved that **HS** for **HCS** for **HB 1656**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS**, as amended, was again taken up.

Senator Rohrbach offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1656, Page 31, Section 135.530, by deleting all of said section and inserting in lieu thereof the following:

"135.530. For the purposes of this act, "distressed community" means either a Missouri municipality within a metropolitan statistical area which has a median household income of under seventy percent of the median household income for the metropolitan statistical area, according to the last decennial census, or the United States Census Block Group or contiguous group of block groups within a metropolitan statistical area which has a population of at least two thousand five hundred, and which has a median household income of under seventy percent of the median household income for the metropolitan area in Missouri, according to the last decennial census. In addition the definition shall include municipalities not in a metropolitan statistical area, with a median household income of seventy percent of the median household income for the nonmetropolitan areas of Missouri according to the last decennial census or a Census Block Group or contiguous group of block groups which has a population of at least two thousand five hundred which has a median household income of seventy percent of the median household income for the nonmetropolitan areas of Missouri, according to the last decennial census."

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1656**, as amended, be adopted, which motion prevailed.

On motion of Senator Mathewson, **SS** for **SCS** for **HS** for **HCS** for **HB 1656**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Russell
Schneider	Sims	Singleton	Staples
Wiggins	Yeckel--30		
NAYS--Senators			
Kenney	Rohrbach	Westfall--3	
Absent--Senator Scott--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Scott, Chairman of the Committee on State Budget Control, Senator McKenna submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HS** for **HCS** for **HBs 1051** and **1276**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HBs 1051** and **1276**, with **SCS**, entitled:

An Act to repeal sections 105.711, 537.610, 537.705 and 537.756, RSMo 1994, relating to claims against the state and its political subdivisions, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up by Senator McKenna.

SCS for **HS** for **HCS** for **HBs 1051** and **1276**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1051 and 1276

An Act to repeal sections 105.711, 537.610, 537.705 and 537.756, RSMo 1994, relating to claims against the state and its political subdivisions, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator McKenna moved that **SCS** for **HS** for **HCS** for **HBs 1051 and 1276** be adopted.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1051 and 1276, Section 2, Line 3, by inserting after all of said line the following:

"3. Notwithstanding any other provisions of 537.600 to 537.650 the rules of joint and several liability as set out in 537.067 shall not apply to the state, its public entities and their employees, agents, servants and representatives on claims within the scope of sections 537.600 to 537.650, but the state, its public entities, and their employees, agents, servants and representatives shall be liable only for any amounts apportioned to them and directly attributable to them."

Senator Flotron moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Klarich offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1051 and 1276, Page 5, Section 537.610, Lines 7-8, by striking the words "in addition to reasonable and necessary medical expenses not to exceed two hundred fifty thousand dollars"; and further amend said section, page 6, lines 20 and 21, by striking the words "in addition to reasonable and necessary medical expenses not to exceed two hundred fifty thousand dollars"; and further amend said page and section, lines 32 and 33, by striking the words "in addition to reasonable and necessary medical expenses not to exceed two hundred fifty thousand dollars"; and

Further amend said bill, page 6, Section 537.610, Line 44, by inserting immediately after all of said line the following:

"7. The rules of joint and several liability shall not apply to the state or public entities under sections 537.600 to 537.650 unless the conduct or condition described in subsection 1 of section 537.600 directly caused or directly contributed to cause damages to the plaintiff. Nothing in this section shall be construed to increase the liability of the state or its political entities beyond the limits of liability set out in sections 537.600 to 537.650."

Senator Klarich moved that the above substitute amendment be adopted.

Senator Childers offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1051 and 1276, Page 1, Line 4, by deleting the words "in addition to" and inserting in lieu thereof the word "**including**" and further on line 5, delete the word "two" and insert in lieu thereof the word "**one**".

Senator Childers moved that the above amendment be adopted.

At the request of Senator Childers, **SA 1** to **SSA 1** for **SA 1** was withdrawn.

SSA 1 for **SA 1** was again taken up.

At the request of Senator McKenna, **HS** for **HCS** for **HBs 1051** and **1276**, with **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HB 1891**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

At the request of Senator Jacob, **HCS** for **HBs 1363** and **906**, with **SCA 1**, was placed on the Informal Calendar.

At the request of Senator McKenna, **HCS** for **HB 1626** was placed on the Informal Calendar.

HCS for **HB 1891**, entitled:

An Act to repeal sections 571.070 and 571.090, RSMo 1994, and section 571.030, RSMo Supp. 1997, relating to certain weapons offenses, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions and a referendum clause.

Was taken up by Senator Caskey.

Senator Caskey offered **SS** for **HCS** for **HB 1891**, entitled:

SENATE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1891

An Act to repeal sections 571.070 and 571.090, RSMo 1994, and section 571.030, RSMo Supp. 1997, relating to certain weapons offenses, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions and a referendum clause.

Senator Caskey moved that **SS** for **HCS** for **HB 1891** be adopted.

Senator Clay offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 1891, Page 21, Section B, Line 19, by striking the following: "April, 1999" and inserting in lieu thereof "November, 1998".

Senator Clay moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Scott offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 1891, Page 10, Line 138, by inserting after the word "day" the words ", or into any facility licensed under chapters 197 or 198, RSMo".

Senator Scott moved that the above amendment be adopted, which motion failed.

Senator Caskey moved that **SS** for **HCS** for **HB 1891** be adopted.

Senator Banks requested a roll call vote be taken on the adoption of **SS** for **HCS** for **HB 1891** and was joined in his request by Senators Staples, Westfall, Kinder and Lybyer.

SS for **HCS** for **HB 1891** was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Westfall
Yeckel--25			
NAYS--Senators			
Banks	Clay	Curls	Goode
Jacob	Mueller	Schneider	Scott
Wiggins--9			
Absent--Senators--None			
Absent with leave--Senators--None			

On motion of Senator Caskey, **SS** for **HCS** for **HB 1891** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	DePasco
Ehlmann	Flotron	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--26		
NAYS--Senators			
Banks	Clay	Curls	Goode
Jacob	Mueller	Schneider	Scott--8
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SBs 852** and **913**, entitled:

An Act to repeal sections 361.080, 362.044, 362.245, 362.250 and 408.653, RSMo 1994, and sections 319.100 and 319.131, RSMo Supp. 1997, and to enact in lieu thereof eight new sections relating to banking.

With House Amendments Nos. 1, 2, 3, 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, as amended, and House Amendment No. 6.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 852 and 913, Page 1, In the Title, Line 2, by inserting after the number "362.250" the following: ", 402.200"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following: "319.100, 319.131, 402.215 and 475.093, RSMo Supp. 1997, and to enact in lieu thereof eleven new sections"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the number "362.250" the following: ", 402.200"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting all of said line and inserting in lieu thereof the following: "sections 319.100, 319.131, 402.215 and 475.093, RSMo Supp. 1997, and to enact in lieu thereof eleven new sections"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the following: "408.145 and 408.653" and inserting in lieu thereof the following: "402.200, 402.215, 408.145, 407.653 and 475.093"; and

Further amend said bill, Page 11, Section 362.250, Line 22, by inserting after all of said line the following:

"402.200. As used in sections 402.199 to 402.220, the following terms mean:

- (1) "Board of trustees", the Missouri family trust board of trustees;
- (2) "Charitable trust", the trust established to provide benefits for individuals, as set forth in section 402.215;
- (3) "Department", the department of mental health;
- (4) "Handicap", a mental or physical impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, and where the impairment is verified by medical findings;
- (5) "Life beneficiary", a designated beneficiary of the Missouri family trust fund;
- (6) "Net income", the earnings received on investments less administrative expenses and fees;
- (7) ["Original contribution", the then principal balance of all contributions made to a particular account, but not including any appreciation in value of investments or accretions thereto resulting from any source, such as dividends,

interest and capital gains. In no event shall "original contribution" mean more than the total of all contributions made to a particular account;] **"Principal balance", the fair market value of all contributions made to a particular account, less distributions, determined as of the end of the calendar month immediately preceding the occurrence giving rise to any determination of principal balance;**

(8) "Requesting party", the party desiring arbitration;

(9) "Responding party", the other party in arbitration of a dispute regarding benefits to be provided by the trust;

(10) "Successor trust", the trust established upon distribution by the board of trustees pursuant to notice of withdrawal or termination and administered as set forth in section 402.215;

(11) "Trust", the Missouri family trust fund established pursuant to sections 402.200 to 402.220;

(12) "Trustee", a member of the Missouri family trust board of trustees.

402.215. 1. The board of trustees is authorized and directed to establish and administer the Missouri family trust. The board shall be authorized to execute all documents necessary to establish and administer the trust including the formation of a not for profit corporation created pursuant to chapter 355, RSMo, and to qualify as an organization pursuant to section 501(c)(3) of the United States Internal Revenue Code.

2. The trust documents shall include and be limited by the following provisions:

(1) The Missouri family trust fund shall be authorized to accept contributions from any source including trustees, personal representatives, personal custodians [under] **pursuant to** chapter 404, RSMo, and other fiduciaries, other than directly from the life beneficiaries and their respective spouses, to be held, administered, managed, invested and distributed in order to facilitate the coordination and integration of private financing for individuals who have a handicap or are eligible for services provided by the Missouri department of mental health, or both, while maintaining the eligibility of such individuals for government entitlement funding. All contributions, and the earnings thereon, shall be administered as one trust fund; however, separate accounts shall be established for each designated beneficiary. The income earned, after deducting administrative expenses, shall be credited to the accounts of the respective life beneficiaries in proportion to the [amount of the contribution made] **principal balance in the account** for each such life beneficiary, [reduced from time to time by any distributions or encroachments,] to the total [contributions, reduced from time to time by any distributions or encroachments, made] **principal balances in the accounts** for all life beneficiaries.

(2) Every donor may designate a specific person as the life beneficiary of the contribution made by such donor. In addition, each donor may name a cotrustee, including the donor, and a successor or successors to the cotrustee, to act with the trustees of the trust on behalf of the designated life beneficiary; provided, however, a life beneficiary shall not be eligible to be a cotrustee or a successor cotrustee; provided, however, that court approval of the specific person designated as life beneficiary and as cotrustee or successor trustee shall be required in connection with any trust created pursuant to section 473.657, RSMo, or section 475.093, RSMo.

(3) The trust, with the consent of the cotrustee, shall annually agree on the amount of income or principal or income and principal to be used to provide noncash benefits and the nature and type of benefits to be provided for the life beneficiary. Any net income which is not used shall be added to principal annually. In the event that the trust and the donor, serving as the cotrustee, shall be unable to agree either on the amount of income or principal or income and principal to be used for or the benefits to be provided, then none of the income or principal shall be used. In the event that the trust and the cotrustee, other than the donor, shall be unable to agree either on the amount of income or principal or income and principal to be used or the benefits to be provided, then either the trust or the cotrustee shall have the right to request that the matter be resolved by arbitration. The requesting party shall send a written request for arbitration to the responding party and shall in such request set forth the name, address and telephone number of such requesting party's arbitrator. The responding party shall, within ten days after receipt of the request for arbitration, set forth in writing to the requesting party the name, address and telephone number of the responding party's arbitrator. Copies of the request for arbitration and response shall be sent to the director of the department. If the two designated arbitrators shall be unable to agree upon a third arbitrator within ten days after the responding party shall have identified

such party's arbitrator, then the director of the department shall designate the third arbitrator by written notice to the requesting and responding parties' arbitrators. The three arbitrators shall meet and render a decision within thirty days after the appointment of the third arbitrator. A decision of a majority of the arbitrators shall be binding upon the requesting and responding parties. Each party shall pay the fees and expenses of such party's arbitrator and the fees and expenses of the third arbitrator shall be borne equally by the parties.

(4) Any donor, during his **or her** lifetime, except for a trust created pursuant to section 473.657, RSMo, or section 475.093, RSMo, may revoke any gift made to the trust; provided, however, any donor may, at any time, voluntarily waive the right to revoke. In the event that at the time the donor shall have revoked his **or her** gift to the trust the life beneficiary shall not have received any benefits provided by use of trust income or principal, then an amount equal to one hundred percent of the [original contribution] **principal balance** shall be returned to the donor. Any undistributed net income shall be distributed to the charitable trust. In the event that at the time the donor shall have revoked his **or her** gift to the trust the life beneficiary shall have received any benefits provided by the use of trust income or principal, then an amount equal to ninety percent of the [original contribution, reduced by any distributions or encroachments of principal previously made,] **principal balance** shall be returned to the donor. The balance of the [original contribution, as reduced,] **principal balance** together with all undistributed net income, shall be distributed to the charitable trust.

(5) Any acting cotrustee, except a cotrustee of a trust created pursuant to section 473.657, RSMo, or section 475.093, RSMo, other than the original donor of a life beneficiary's account, shall have the right, for good and sufficient reason upon written notice to the trust and the department stating such reason, to withdraw all or a portion of the [original contribution, reduced by any distributions or encroachments of principal previously made] **principal balance**. In such event, the applicable portion, as set forth below, of the [original contribution, as reduced by distributions or encroachments previously made for the benefit of the life beneficiary,] **principal balance** shall then be distributed to the successor trust and the balance of the [original contribution, as reduced,] **principal balance** together with any undistributed net income, shall be distributed to the charitable trust.

(6) In the event that a life beneficiary for whose benefit a contribution or contributions shall have been made to the family trust fund, except a cotrustee of a trust created pursuant to section 473.657, RSMo, or section 475.093, RSMo, shall move from the state of Missouri or otherwise cease to be eligible for services provided by the department of mental health and neither the donor nor the then acting cotrustee shall revoke or withdraw all of the [original contribution] **principal balance**, then the board of trustees may, by written notice to such donor or acting cotrustee, terminate the trust as to such beneficiary and thereupon shall distribute the applicable portion, as set forth herein, of the [original contribution] **principal balance**, to the trustee of the successor trust to be held, administered and distributed by such trustee in accordance with the provisions of the successor trust described in subdivision [(9)] **(10)** of this subsection.

(7) If at the time of withdrawal or termination as provided in subdivision (6) of this subsection of a life beneficiary's account from the trust either the life beneficiary shall not have received any benefits provided by the use of the trust income or principal or the life beneficiary shall have received benefits provided by the use of trust income or principal for a period of not more than five years from the date a contribution shall have first been made to the trust for such life beneficiary, then an amount equal to ninety percent of the [original contribution, reduced by any distributions or encroachments of principal previously made,] **principal balance** shall be distributed to the successor trust, and the balance of the [original contribution, as reduced,] **principal balance** together with all undistributed net income, shall be distributed to the charitable trust; provided, however, if the life beneficiary at the time of such withdrawal by the cotrustee or termination as provided above shall have received any benefits provided by the use of trust income or principal for a period of more than five years from the date a contribution shall have first been made to the trust for such life beneficiary, then an amount equal to seventy-five percent of the [original contribution, reduced by any distributions or encroachments of principal previously made,] **principal balance** shall be distributed to the successor trust, and the balance of the [original contribution, as reduced,] **principal balance** together with all undistributed net income, shall be distributed to the charitable trust.

(8) Subject to the provisions of subdivision (9) of this subsection, if the life beneficiary dies before receiving any benefits provided by the use of trust income or principal, then an amount equal to one hundred percent of the [original contribution] **principal balance** shall be distributed to such person or persons as the donor shall have designated. Any

undistributed net income shall be distributed to the charitable trust. If at the time of death of the life beneficiary, the life beneficiary shall have been receiving benefits provided by the use of trust income or principal or income and principal, then, in such event, an amount equal to seventy-five percent of the [original contribution, reduced by any distributions or encroachments of principal previously made,] **principal balance** shall be distributed to such person or persons as the donor designated, and the balance of the [original contribution, as reduced] **principal balance**, together with all undistributed net income, shall be distributed to the charitable trust.

(9) In the event the trust is created as a result of a distribution from a personal representative of an estate of which the life beneficiary is a distributee, then if the life beneficiary dies before receiving any benefits provided by the use of trust income or principal, an amount equal to one hundred percent of the [original contribution] **principal balance** shall be distributed to such person or persons who are the life beneficiary's heirs at law. The balance, if any, of the [original contribution] **principal balance**, together with all undistributed income shall be distributed to the charitable trust. If at the time of death of the life beneficiary the life beneficiary shall have been receiving benefits provided by the use of trust income or principal or income and principal, then, an amount equal to seventy-five percent of the [original contribution, reduced by any distributions or encroachments of principal previously made,] **principal balance** shall be distributed to such person or persons who are the life beneficiary's heirs at law. The balance of the [original contribution] **principal balance**, together with all undistributed income shall be distributed to the charitable trust.

(10) In the event the trust is created as a result of the recovery of damages by reason of a personal injury to the life beneficiary, then if the life beneficiary dies before receiving any benefits provided by the use of trust income or principal, the state of Missouri shall receive all amounts remaining in the trust up to an amount equal to the total medical assistance paid on behalf of such life beneficiary under a state plan under Title 42 of the United States Code, and then to the extent there is any amount remaining in the trust, an amount equal to one hundred percent of the [original contribution] **principal balance** shall be distributed to such person or persons who are the life beneficiary's heirs at law. The balance, if any, of the [original contribution] **principal balance**, together with all undistributed income shall be distributed to the charitable trust. If at the time of death of the life beneficiary the life beneficiary shall have been receiving benefits provided by the use of trust income or principal or income and principal then the state of Missouri shall receive all amounts remaining in the trust up to an amount equal to the total medical assistance paid on behalf of such life beneficiary under a state plan under Title 42 of the United States Code, and then to the extent there is any amount remaining in the trust, an amount equal to seventy-five percent of the [original contribution, reduced by any distributions or encroachments or principal previously made,] **principal balance** shall be distributed to such person or persons who are the life beneficiary's heirs at law. The balance of the [original contribution] **principal balance**, together with all undistributed income, shall be distributed to the charitable trust.

(11) Upon receipt of a notice of withdrawal from a designated cotrustee, other than the original donor, and a determination by the board of trustees that the reason for such withdrawal is good and sufficient, or upon the issuance of notice of termination by the board of trustees, the board of trustees shall distribute and pay over to the designated trustee of the successor trust the applicable portion of the [original contribution, reduced by any distributions or encroachments of principal previously made for the benefit of the beneficiary] **principal balance**; provided, however, that court approval of distribution to a successor trustee shall be required in connection with any trust created pursuant to section 473.657, RSMo, or section 475.093, RSMo. The designated trustee of the successor trust shall hold, administer and distribute the principal and income of the successor trust, in the discretion of such trustee, for the maintenance, support, health, education and general well-being of the beneficiary, recognizing that it is the purpose of the successor trust to supplement, not replace, any government benefits for the beneficiary's basic support to which such beneficiary may be entitled and to increase the quality of such beneficiary's life by providing [him] **the beneficiary** with those amenities which cannot otherwise be provided by public assistance or entitlements or other available sources. Permissible expenditures include, but are not limited to, more sophisticated dental, medical and diagnostic work or treatment than is otherwise available from public assistance, private rehabilitative training, supplementary education aid, entertainment, periodic vacations and outings, expenditures to foster the interests, talents and hobbies of the beneficiary, and expenditures to purchase personal property and services which will make life more comfortable and enjoyable for the beneficiary but which will not defeat his **or her** eligibility for public assistance. Expenditures may include payment of the funeral and burial costs of the beneficiary. The designated trustee, in his **or her** discretion, may make payments from time to time for a person to accompany the beneficiary on vacations and outings and for the transportation of the beneficiary or of friends and relatives of the beneficiary to visit the beneficiary. Any undistributed income shall be

added to the principal from time to time. Expenditures shall not be made for the primary support or maintenance of the beneficiary, including basic food, shelter and clothing, if, as a result, the beneficiary would no longer be eligible to receive public benefits or assistance to which the beneficiary is then entitled. After the death and burial of the beneficiary, the remaining balance of the successor trust shall be distributed to such person or persons as the donor shall have designated.

(12) The charitable trust shall be administered as part of the family trust fund, but as a separate account. The income attributable to the charitable trust shall be used to provide benefits for individuals who have a handicap or who are eligible for services provided by or through the department and who either have no immediate family or whose immediate family, in the reasonable opinion of the trustees, is financially unable to make a contribution to the trust sufficient to provide benefits for such individuals, while maintaining such individuals' eligibility for government entitlement funding. As used in this section, the term "immediate family" includes parents, children and siblings. The individuals to be beneficiaries of the charitable trust shall be recommended to the trustees by the department and others from time to time. The trustees and the department shall annually agree on the amount of charitable trust income to be used to provide benefits and the nature and type of benefits to be provided by or through the department for each identified beneficiary of the charitable trust. Any income not used shall be added to principal annually."; and

Further amend said bill, Page 12, Section 408.653, Line 11, by adding after all of said line the following:

"475.093. 1. The court may authorize the establishment of a trust for the benefit of a protectee if it finds that the protectee qualifies as a life beneficiary pursuant to section 402.205, RSMo, and that the establishment of such a trust would be in the protectee's best interest.

2. A trust may be established in the best interest of the protectee pursuant to sections 402.199 to 402.225, RSMo, notwithstanding the fact that a sum not exceeding twenty-five percent of the [original contribution] **principal balance** as defined in subdivision (7) of section 402.200, RSMo, will be distributed to the charitable trust as prescribed by section 402.215, RSMo."

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 852 and 913, Page 1, In the title, Line 2, by inserting immediately before the figure "361.080" the figure "301.640,"; and

Further amend said bill, Page 1, In the title, Line 3, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, In the title, Line 4, by inserting after the word "banking" the following: ", with an effective date"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the word "Sections" the figure "301.640,"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the word "sections" the figure "301.640,"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after all of said line the following:

"301.640. 1. Upon the satisfaction of [a] **any** lien or encumbrance of a motor vehicle or trailer for which the certificate of ownership is in possession of the lienholder, he shall, within ten **business** days [after demand and, in any event, within thirty days,] release his lien or encumbrance on the certificate, and mail or deliver the certificate to the next lienholder named therein, or, if none, to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate. The owner may cause the certificate to be mailed or delivered to the director of revenue, who shall issue a new certificate of ownership upon application and payment of the required fee. **A lien or encumbrance shall be satisfied for the purposes of this section when a lienholder receives payment in full in the**

form of certified funds, as defined in section 381.410, RSMo.

2. Upon the satisfaction of [a] **any** lien or encumbrance in a motor vehicle or trailer for which a certificate is in possession of a prior lienholder, the lienholder whose lien or encumbrance is satisfied shall within ten **business** days [after demand and, in any event, within thirty days,] release the lien or encumbrance on the certificate and deliver the certificate to the owner or any person who delivers to the lienholder an authorization from the owner to receive it. The lienholder in possession of the certificate shall at the request of the owner and upon surrender of the certificate of title by the owner and receipt of the required fee, either mail or deliver the certificate of ownership to the director of revenue, or deliver the certificate to the owner, or the person authorized by him, for delivery to the director of revenue, who shall issue a new certificate.

3. If the purchase price of a motor vehicle or trailer did not exceed six thousand dollars at the time of purchase, a lien or encumbrance which was not perfected by a motor vehicle financing corporation whose net worth exceeds one hundred million dollars, or a depository institution, shall be considered satisfied within six years from the date the lien or encumbrance was originally perfected unless a new lien or encumbrance has been perfected as provided in section 301.600. This subsection does not apply to motor vehicles or trailers for which the certificate of ownership has recorded in the second lienholder portion the words "subject to future advances".

4. Any lienholder who fails to comply with subsection 1 or 2 of this section shall pay to the person or persons satisfying the lien or encumbrance twenty-five dollars for the first ten business days after expiration of the time period prescribed in subsection 1 or 2 of this section, and such payment shall double for each ten days thereafter in which there is continued noncompliance, up to a maximum of five hundred dollars for each lien. If delivery of the certificate is made by mail, the delivery date is the date of the postmark for purposes of this subsection.

Section B. Section A of this act shall become effective on January 1, 1999."

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 852 and 913, Page 1, In the title, Line 2, by inserting after the words "repeal sections" the figure "30.753,"; and

Further amend said bill, Page 1, In the title, Line 3, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the word "Sections" the figure "30.753,"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the word "sections" the figure "30.753,"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after all of said line the following:

"30.753. 1. The state treasurer may invest in linked deposits; however, the total amount so deposited at any one time shall not exceed, in the aggregate, three hundred fifty million dollars. No more than one hundred sixty-five million dollars of the aggregate deposit shall be used for linked deposits to eligible farming operations, eligible agribusinesses, eligible beginning farmers and eligible livestock operations, no more than fifty-five million of the aggregate deposit shall be used for linked deposits to small businesses, no more than ten million dollars of the aggregate deposit shall be used for linked deposits to eligible residential property developers and eligible residential property owners, no more than one hundred ten million dollars of the aggregate deposit shall be used for linked deposits to eligible job enhancement businesses and no more than ten million dollars of the aggregate deposit shall be used for linked deposit loans to eligible water systems. Linked deposit loans may be made to eligible student borrowers from the aggregate deposit. If demand for a particular type of linked deposit exceeds the initial allocation, and funds initially allocated to another type are available and not in demand, the state treasurer may commingle allocations among the types of linked deposits. The amount reallocated under this commingling provision shall not exceed [ten] **fifty** percent of the initial

allocation.

2. The minimum deposit to be made by the state treasurer to an eligible lending institution for eligible job enhancement business loans shall be ninety thousand dollars. Linked deposit loans for eligible job enhancement businesses may be made for the purposes of assisting with relocation expenses, working capital, interim construction, inventory, site development, machinery and equipment, or other expenses necessary to create or retain jobs in the recipient firm."

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 852 and 913, Page 1, In the Title, Line 2, by inserting after the number "362.250" the following: ", 376.1075"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the number "362.250" the following: ", 376.1075"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the number "362.250," the number "376.1075,"; and

Further amend said bill, Page 11, Section 362.250, Line 22, by inserting after all of said line the following:

"376.1075. As used in sections 376.1075 to 376.1095, the following terms mean:

(1) "Administrator", "third-party administrator" or "TPA", a person who directly or indirectly solicits or effects coverage of, underwrites, collects charges or premiums from, or adjusts or settles claims on residents of this state, or residents of another state from offices in this state, in connection with life or health insurance coverage, annuities, or workers' compensation except any of the following:

(a) An employer on behalf of its employees or the employees of one or more subsidiary or affiliated corporations of such employer;

(b) A union on behalf of its members;

(c) An insurance company which is either licensed in this state pursuant to the requirements of this chapter or chapter 379, RSMo;

(d) An insurer authorized to do insurance business in another state pursuant to similar laws, with respect to a policy lawfully issued and delivered in a state other than this state, when engaged in transacting the business of insurance as defined by this chapter and chapter 379, RSMo;

(e) A health service corporation, health maintenance organization or prepaid dental plan operating pursuant to the requirements of chapter 354, RSMo, when engaged in its duties of providing health care or dental services and indemnifying its members;

(f) A life or health agent or broker licensed in this state, whose activities are limited exclusively to the sale of insurance;

(g) A creditor on behalf of its debtors with respect to insurance covering a debt between the creditor and its debtors;

(h) A trust, its trustees, agents and employees acting thereunder, established in conformity with 29 U.S.C. 186;

(i) A trust exempt from taxation under section 501(a) of the Internal Revenue Code, its trustees, and employees acting

thereunder;

(j) A custodian, its agents and employees acting pursuant to a custodian account which meets the requirements of section 401(f) of the Internal Revenue Code;

(k) A bank, credit union or other financial institution which is subject to supervision or examination by federal or state banking authorities;

(l) A credit card issuing company which advances for and collects premiums or charges from its credit card holders who have authorized it to do so, provided such company does not adjust or settle claims;

(m) A person who adjusts or settles claims in the normal course of his **or her** practice or employment as an attorney at law, and who does not collect charges or premiums in connection with life or health insurance coverage or annuities;

(n) An adjuster [licensed by this state] whose activities are limited to adjustment of claims **and who is either licensed by this state or working on behalf of a licensed workers' compensation insurer;**

(o) A person licensed as an insurance agent in this state, whose activities are limited exclusively to the activities of a managing general agent;

(2) "Affiliate" or "affiliated", any entity or person who directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, a specified entity or person;

(3) "Control", as defined in chapter 382, RSMo;

(4) "Director", the director of the department of insurance;

(5) "Insurance" or "insurance coverage", any coverage offered or provided by an insurer;

(6) "Insurer", any person undertaking to provide life or health insurance coverage, annuities or workers' compensation coverage in this state. For the purposes of sections 376.1075 to 376.1095, insurer includes a licensed insurance company, a prepaid hospital or medical care plan, a health maintenance organization, a multiple employer self-insured health plan, a self-insured multiple employer welfare arrangement, or any other person providing a plan of insurance subject to state insurance regulation. Insurer does not include a bona fide employee benefit plan established by an employer or an employee organization, or both, for which the insurance laws of this state are preempted pursuant to the Employee Retirement Income Security Act of 1974;

(7) "Underwrites" or "underwriting" means, but is not limited to, the acceptance of employer or individual applications for coverage of individuals in accordance with the written rules of the insurer, the overall planning and coordinating of an insurance program, and the ability to procure bonds and excess insurance."

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 852 and 913, Page 2, Section 1, Line 4 of said page, by adding the word "derogatory" between the words "any" and "report" and further amend said amendment, page 2, lines 8 and 9 of said page, by deleting all of said lines and on line 10 of said page, by deleting the number "4" and inserting in lieu thereof the number "3".

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 852 and 913, Page 1, In the title, Line 3, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "eight" and inserting in lieu thereof the word

"nine"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word and number "and 408.653" and inserting in lieu thereof the following: ", 408.653 and 1"; and

Further amend said bill, Page 12, Section 408.653, Line 11, by adding after all of said line the following:

"Section 1. 1. For the purposes of this section, the term "credit card" shall mean a credit device defined as such in the federal Consumer Credit Protection Act.

2. Any entity that issues credit cards in this state, delivers credit cards in this state or causes credit cards to be delivered in this state shall not make any report to a credit reporting agency on any credit card holder solely because such credit card holder has paid the entire outstanding balance on such credit card by the payment date.

3. Any entity that violates subsection 2 of this section shall be liable to the credit card holder for slander of credit.

4. Nothing herein shall authorize or prohibit an entity from suspending credit card privileges or recalling the issued credit card for any purpose."

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 852 and 913, Page 1, In the Title, Line 2, by deleting the word and number "and 408.653" and inserting in lieu thereof the following: ", 408.653 and 448-3.116,"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the word and number "and 408.653" and inserting in lieu thereof the following: ", 408.653 and 448-3.116"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word and number "and 408.653" and inserting in lieu thereof the following: ", 408.653 and 448-3.116"; and

Further amend said bill, Page 12, Section 408.653, Line 11, by adding after all of said line the following:

"448.3-116. 1. The association has a lien on a unit for any assessment levied against that unit or fines imposed against its unit owner from the time the assessment or fine becomes due. The association's lien may be foreclosed in like manner as a mortgage on real estate or a power of sale [under] **pursuant to** chapter 443, RSMo. Unless the declaration otherwise provides, fees, charges, late charges, fines, and interest charged pursuant to subdivisions (10), (11), and (12) of subsection 1 of section 448.3-102 are enforceable as assessments [under] **pursuant to** this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

2. A lien [under] **pursuant to** this section is prior to all other liens and encumbrances on a unit except:

(1) Liens and encumbrances recorded before the recordation of the declaration;

(2) A mortgage and deed of trust for the purchase of a unit recorded before the date on which the assessment sought to be enforced became delinquent; [and]

(3) Liens for real estate taxes and other governmental assessments or charges against the unit[.];

(4) Except for delinquent assessments or fines, up to a maximum of six months' assessments or fines, which are due prior to any subsequent refinancing of a unit or for any subsequent second mortgage interest.

This subsection does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association. The lien [under] **pursuant to** this section is not subject to the provisions of section 513.475, RSMo.

3. Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same real estate, those liens have equal priority.

4. Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment [under] **pursuant to** this section is required.

5. A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within three years after the full amount of the assessments becomes due.

6. This section shall not prohibit actions to recover sums for which subsection 1 of this section creates a lien, or prohibit an association from taking a deed in lieu of foreclosure.

7. A judgment or decree in any action brought [under] **pursuant to** this section shall include costs and reasonable attorney's fees for the prevailing party.

8. The association shall furnish to a unit owner, upon written request, a recordable statement setting forth the amount of unpaid assessments against [his] **the unit owner's** unit. The statement shall be furnished within ten business days after receipt of the request and is binding on the association, the executive board, and every unit owner."

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Quick moved that **SS** for **SCS** for **SBs 852 and 913**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SBs 852 and 913**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 852 AND 913

An Act to repeal sections 361.080, 362.044, 362.245, 362.250 and 408.653, RSMo 1994, and sections 319.100 and 319.131, RSMo Supp. 1997, and to enact in lieu thereof eight new sections relating to banking.

Was taken up.

Senator Quick moved that **HCS** for **SS** for **SCS** for **SBs 852 and 913**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators

Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney

Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Singleton	Staples--2		
	Absent with leave--Senators--None		

On motion of Senator Quick, **HCS** for **SS** for **SCS** for **SBs 852 and 913**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Quick title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Quick, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 936**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 936

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Bill No. 936, with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Substitute Amendment No. 1 for House Amendment No. 4, House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Amendment No. 10, House Substitute Amendment No. 1 for House Amendment No. 11, House Amendment No. 12, House Amendment No. 13, House Amendment No. 14, House Amendment No. 15, House Amendment No. 16, House

Amendment No. 17, House Amendment No. 18, House Amendment No. 19 and House Amendment No. 21; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Committee Substitute for Senate Bill No. 936, as amended;
- 2. That the Senate recede from its position on Senate Bill No. 936;
- 3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 936 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Ed Quick
/s/ Harry Wiggins
John Schneider
/s/ Franc Flotron
/s/ John T. Russell

FOR THE HOUSE:

/s/ Joan Bray
/s/ Tim Van Zandt
Mike Schilling
/s/ Michael R. Gibbons
/s/ Daniel Hegeman

Senator Quick moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Banks	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Graves	House	Howard	Jacob
Johnson	Kinder	Klarich	Lybyer
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--29			
NAYS--Senators			
Goode	Kenney	Mathewson	Schneider--4
Absent--Senator Bentley--1			
Absent with leave--Senators--None			

On motion of Senator Quick, **CCS** for **HCS** for **SB 936**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 936

An Act to repeal sections 144.025, 144.027 and 260.285, RSMo 1994, and sections 67.1300, 144.010 and 144.030, RSMo Supp. 1997, relating to sales and use taxation, and to enact in lieu thereof seven new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Flotron	Graves
House	Howard	Jacob	Johnson
Kinder	Klarich	Lybyer	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Staples
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators		
Goode	Kenney	Mathewson	Schneider
Singleton--5			
	Absent--Senators		
Banks	Ehlmann--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS No. 2** for **HCS** for **SS** for **SCS** for **SB 596**, entitled:

An Act to repeal section 578.009, RSMo 1994, relating to animal abandonment, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 596, Page 1, In the Title, Line 2, by deleting the word "section" and inserting in lieu thereof the following: "sections 252.043 and"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the words "animal abandonment" and inserting in lieu thereof the words "the treatment of animals"; and

Further amend said bill, Page 1, In the Title, Line 4, by deleting the words "one new section" and inserting in lieu thereof the words "five new sections"; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following: "Section A. Sections 252.043 and 578.009, RSMo 1994, are repealed and five new sections enacted in lieu thereof, to be known as sections 252.043, 252.228, 252.244, 252.247 and"; and

Further amend said bill, Page 1, Section A, Line 10, by inserting after all of said line the following:

"252.043. The commission may suspend, revoke or deny a hunting permit or privilege for a maximum of five years when a person, while hunting, inflicts injury by firearm or other weapon to another person who is mistaken for game.

No suspension, revocation or denial shall occur until an opportunity has been afforded for a hearing before the commission. Any person who is determined by the commission to have inflicted injury by firearm or other weapon shall be required to successfully complete a department-approved hunter safety course before his **or her** hunting permit or privilege shall be restored. The commission's proceeding shall be a contested case pursuant to chapter 536, RSMo, and any person aggrieved by a final decision shall be entitled to judicial review as provided in chapter 536, RSMo. **If there is a mitigating, exculpatory or other extenuating circumstance or circumstances in connection with the inflicted injury, in addition to the judicial review provided in chapter 536, RSMo, any time after the commission's ruling, an aggrieved person is entitled to review by the circuit court in the county where the aggrieved person resides. If the court finds a sufficient mitigating, exculpatory or other extenuating circumstance or circumstances in connection with the inflicted injury, the court may modify the commission's suspension or revocation of the aggrieved person's hunting privileges.**

252.228. 1. Individual hunting, fishing and trapping permit records maintained by the department of conservation, including address, telephone number, personal identifying characteristics, date of birth and unique identification numbers shall be available to:

- (1) Any court;**
- (2) Any law enforcement agency;**
- (3) The U.S. Fish and Wildlife Service or its successor agency as provided by federal regulation for migratory bird surveys;**
- (4) Any state department, division, agency, bureau, board, commission, employee or agent thereof in the performance of any statutory or constitutional duty;**
- (5) Any political subdivision;**
- (6) Any agency of another state; and**
- (7) The holder of the permit.**

2. Such information shall be inaccessible to all other persons when the holder of the permit has so requested in writing. Individual credit card numbers are closed records and shall not be released pursuant to sections 610.021, RSMo.

252.244. 1. Any political subdivision, elementary or secondary school, or any charitable, religious, fraternal or other not for profit organization may prepare or serve wild game, provided that there shall be no charge for the wild game served, in connection with:

- (1) The organization's meetings;**
- (2) A fund-raising event; or**
- (3) Meals provided to indigent persons free of charge or at a reduced rate.**

2. Except for venison donated or distributed pursuant to section 537.115, RSMo, an organization preparing or serving wild game shall visibly post at the entrance to the dining area a sign bearing the following message: "Public Notice: The wild game served at this facility has not been subject to state or federal inspection". The words of the message shall be written or printed in letters of not less than three-fourths of an inch high and three-fourths of an inch wide, and shall be readable.

3. Any individual or group of individuals may donate wild game, or collect and transport wild game to an organization pursuant to subsection 1 of this section, provided such wild game has been legally taken according to law and the rules and regulations relating to wildlife. Any wild game donated shall be accompanied by the

name, address and phone number of the individual making such donation and shall be affixed to the individual package or the container holding more than one package.

4. In accordance with the rules and regulations relating to wildlife, any wild game that is captured or killed to prevent private property damage may be donated to any charitable organization approved by the department of conservation. The department shall maintain a list of approved organizations and shall make the list available upon request.

5. For purposes of this section, "wild game" shall include, but not be limited to, bear, deer, elk, hares, moose, rabbits, fox squirrels, black and gray squirrels, muskrat and game birds, except migratory birds regulated by the federal government, as defined by the rules and regulations relating to wildlife.

252.247. 1. The conservation commission may enter into an interstate wildlife violators compact with any one or more states.

2. The commission may adopt such rules as are necessary for the implementation of the compact."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 629**, entitled:

An Act to repeal sections 1, 2, 3, and 18 as they appear in senate committee substitute for house substitute for house committee substitute for house bill no. 1636 as truly agreed and finally passed by the second general session of the eighty-ninth general assembly, relating to community improvement, and to enact in lieu thereof twenty-five new sections relating to the same subject.

With House Amendments Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 629, Page 6, Section 67.1600, Line 6 of said page, by inserting after the word "**program**" the following: "**and shall remain confidential**"; and

Further amend said bill, page 8, Section 67.1603, Line 6 of said page, by deleting "**, a municipality with three**"; and

Further amend said bill, page 8, Section 67.1603, Line 7 of said page, by deleting "**hundred thousand or more inhabitants**"; and

Further amend said bill, Page 33, Line 18 of said page, by deleting "**the submission of and**".

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 629, Page 1, In the Title, Lines 2 through 10, by deleting all of said lines and inserting in lieu thereof the following: "To repeal section 141.750, RSMo 1994, section 18 as it appears in senate committee substitute for house substitute for house committee substitute for house bill no. 1636 as truly agreed and finally passed by the second regular session of the eighty-ninth general assembly and section 50.150 as it appears in senate committee substitute for house bill no. 1734, as truly agreed and finally passed by the second regular session of the eighty-ninth general assembly, relating to local political subdivisions, and to enact in lieu thereof two new sections relating to the same subject."; and

Further amend said bill, Pages 1 and 2, Section A, by deleting all of said section and inserting in lieu thereof the following:

"Section A. Section 141.750, RSMo 1994, section 18 as it appears in senate committee substitute for house substitute for house committee substitute for house bill no. 1636 as truly agreed and finally passed by the second regular session of the eighty-ninth general assembly and section 50.150 as it appears in senate committee substitute for house bill no. 1734, as truly agreed and finally passed by the second regular session of the eighty-ninth general assembly, are repealed and two new sections enacted in lieu thereof, to be known as sections 50.150 and 141.750, to read as follows:"; and

Further amend said bill, Pages 2 to 48, Sections 67.1600, 67.1603, 67.1606, 67.1609, 67.1612, 67.1615, 67.1618, 67.1621, 67.1624, 67.1627, 67.1630, 67.1633, 67.1636, 67.1639, 67.1642, 67.1645, 67.1648, 67.1651, 67.1654, 67.1657, 67.1660, 67.1663, 1, 2 and 3, by deleting all of said sections and inserting in lieu thereof the following:

"50.1500. 1. The governing body of any county, excluding township counties, may by ordinance or order provide for the payment of all or any part of current real and personal property taxes which are owed, at the option of the taxpayer, on an annual, semiannual or quarterly basis at such times as determined by such governing body.

2. The ordinance shall provide the method by which the amount of property taxes owed for the current tax year in which the payments are to be made shall be estimated. The collector shall submit to the governing body the procedures by which taxes will be collected pursuant to the ordinance or order. The estimate shall be based on the previous tax year's liability. A taxpayer's payment schedule shall be based on the estimate divided by the number of pay periods in which payments are to be made. The taxpayer shall at the end of the tax year pay any amounts owed in excess of the estimate for such year. The county shall at the end of the tax year refund to the taxpayer any amounts paid in excess of the property tax owed for such year. No interest shall be paid by the county on excess amounts owed to the taxpayer. Any refund paid the taxpayer pursuant to this subsection shall be an amount paid by the county only once in a calendar year.

3. If a taxpayer fails to make an installment payment of a portion of the real or personal property taxes owed to the county, then such county may charge the taxpayer interest **and penalties** on the [entire] **remaining** amount of such property taxes owed for that year.

4. Any governing body enacting the ordinance or order specified in this section shall first agree to provide the county collector with reasonable and necessary funds to implement the ordinance or order.

141.750. 1. Such land trust shall be a continuing body and shall have and adopt an official seal which shall bear on its face the words "Land Trust of County, Missouri", "Seal", and shall have the power to sue and issue deeds in its name, which deed shall be signed by the chairman or vice chairman, and attested by the secretary or assistant secretary and the official seal of the land trust affixed thereon, and shall have the general power to administer its business as any other corporate body.

2. The land trust may convey title to any real estate sold or conveyed by it by general or special warranty deed, and may convey an absolute title in fee simple, without in any case procuring any consent, conveyance or other instrument from the beneficiaries for which it acts[;]. Provided, however, that each such deed shall recite whether the selling price represents a consideration equal to or in excess of two-thirds of the appraised value of such real estate so sold or conveyed, and if such selling price represents a consideration less than two-thirds of the appraised value of [said] **such** real estate, then the land trustees shall first procure the consent thereto of not less than two of the three appointing authorities, which consent shall be evidenced by a copy of the action of each such appointing authority duly certified to by its clerk or secretary attached to and made a part of [said] **such** deed. **The land trustees shall have to procure one of the three appointing authorities if the land trust conveys such property to any Missouri not for profit organization whose primary purpose is the provision or enhancement of housing opportunities in its community."**

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 629, Page 5, Section 67.1600, Line 5, by deleting the word "**fair**"; and

Further amend said bill, page 6, Section 67.1600, Lines 8 through 15, by deleting all of said lines and inserting in lieu thereof the following:

"(17) "Program appraiser", a real estate appraiser who is state licensed or state certified pursuant to sections 339.500 to 339.545, RSMo;"

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House to inform the Senate that House refuses to adopt **SS** for **SCS** for **HCS** for **HB 1197**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Johnson moved that **SS** for **SCS** for **SB 596**, with **HS No. 2** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS No. 2 for **HCS** for **SS** for **SCS** for **SB 596**, as amended, entitled:

HOUSE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 596

An Act to repeal section 578.009, RSMo 1994, relating to animal abandonment, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was taken up.

Senator Johnson moved that **HS No. 2** for **HCS** for **SS** for **SCS** for **SB 596**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Caskey	Childers	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
House	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators			
Graves	Howard--2		
Absent--Senators			
Banks	Bentley--2		
Absent with leave--Senators--None			

On motion of Senator Johnson, **HS No. 2** for **HCS** for **SS** for **SCS** for **SB 596**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	House	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Wiggins	Yeckel--30		

NAYS--Senators

Graves	Howard	Westfall--3
Absent--Senator Banks--1		
Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 1352, with **SCS**, introduced by Representatives Rizzo and Hoppe, entitled:

An Act to repeal section 89.120, RSMo 1994, relating to penalties for violations of zoning statutes and ordinances, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator DePasco.

SCS for **HB 1352**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1352

An Act to repeal section 89.120, RSMo 1994, relating to penalties for violations of zoning statutes and ordinances, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was taken up.

Senator DePasco moved that **SCS** for **HB 1352** be adopted.

Senator Kenney offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1352, Page 2, Section 89.120, Lines 35-53, by deleting all of said lines and inserting in lieu thereof the following:

"4. In a city with a population of more than three hundred fifty thousand, the owner or general agent of a

building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars and not more than two hundred fifty dollars for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than one hundred dollars or more than five hundred dollars for each and every day that such violation shall continue or by imprisonment for ten days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court."

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Curls offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1352, Page 1, Section A, Line 2, by inserting immediately after all of said line the following:

"67.399. 1. The governing body of any municipality may, by ordinance, establish a semiannual registration fee not to exceed two hundred dollars which shall be charged to the owner of any parcel of residential property improved by a residential structure, or commercial property improved by a structure containing multiple dwelling units, that is vacant, has been vacant for at least six months, and is characterized by violations of applicable housing codes established by such municipality.

2. The municipality shall designate a municipal officer to investigate any property that may be subject to the registration fee. The officer shall report his findings and recommendations, and shall determine whether any such property shall be subject to the registration fee. Within five business days, the clerk of the municipality shall notify by mail the owners of property on which the registration fee has been levied at their last known address according to the records of the city and the county. The property owner shall have the right to appeal the decision of the office to the municipal court within thirty days of such notification. Absent the existence of any valid appeal or request for reconsideration pursuant to subsection 3 of this section, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the decision of the municipal officer.

3. Within thirty days of the municipality making such notification, the property owner may complete any improvements to the property that may be necessary to revoke the levy of the registration fee, and then may request a reinspection of the property and a reconsideration of the levy of the registration fee by the municipality. If the municipal officer revokes the registration fee, no such assessment shall be made and the matter shall be considered closed. If the municipal officer affirms the assessment of the registration fee, the property owner shall have the right to appeal the reconsideration decision of the municipal officer to the municipal court within thirty days of such decision. Absent the existence of any valid appeal to the municipal court or other court of competent jurisdiction, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the reconsideration decision of the municipal governing body.

4. The municipal governing body shall establish by ordinance procedures for payment of the registration fee and penalties for delinquent payments of such fees. Any registration fees which are delinquent for a period of one year shall become a lien on the property and shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes. The owner of the property against which the assessment was originally made shall be able to redeem the property only by presenting evidence that the violations of the applicable housing code cited by the municipal officers have been cured and presenting payment of all registration fees and penalties. Upon bona fide sale of the property to an unrelated party said lien shall be considered released and the delinquent registration fee forgiven."; and

Further amend the title and enacting clause accordingly.

Senator Curls moved that the above amendment be adopted.

Senator Kenney offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1352, Page 2, Section 89.120, Line 26, by inserting an opening and closing bracket "[]" around the word "one" and inserting thereafter "two hundred-fifty"; and further amend lines 25 to 27, by striking all of said lines and inserting in lieu thereof the following: "such violation continues[, but if the offense be willful on conviction thereof] **or by imprisonment for ten days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of section 82.300, RSMo, however, for the second and subsequent offenses involving the same violation at the same building or premises,** the punishment shall be a fine of not less than one hundred dollars or more than [two hundred and fifty] **five hundred** dollars for each and every day that such violation shall continue".

Senator Kenney moved that the above substitute amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 1352, Page 1, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following: "To repeal section 77.530 and 89.120, RSMo 1994, relating to the powers of certain cities, and to enact in lieu thereof two new sections relating to"; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 77.530 and 89.120, RSMo 1994, are repealed and two new sections enacted in lieu thereof, to be known as sections 77.530 and 89.120, to read as follows:

77.530. The council may make regulations and pass ordinances for the prevention of the introduction of contagious diseases into the city, and for the abatement of the same, and may make quarantine laws and enforce the same within five miles of the city. The council may purchase or condemn and hold for the city, within or without the city limits, within ten miles therefrom, all necessary lands for hospital purposes, waterworks, sewer carriage and outfall, and erect, establish and regulate hospitals, workhouses, poorhouses, **police stations, fire stations** and provide for the government and support of the same, and make regulations to secure the general health of the city, and to prevent and remove nuisances; provided, however, that the condemnation of any property outside of the city limits shall be regulated in all respects as the condemnation of property for railroad purposes is regulated by law; and provided further, that the police jurisdiction of the city shall extend over such lands and property to the same extent as over public cemeteries, as provided in this chapter."

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 1352, Page 2, Section 89.120, Line 53, by inserting after all of said line the following:

"Section 1. Where regulations or prohibitions of the sale of fireworks are adopted by any first class county

operating under a charter form of government and which contains a population in excess of nine hundred thousand inhabitants, such regulations or prohibitions shall supersede, as to those matters to which this section relates, all municipal ordinances, rules and regulations within the boundaries of such first class chartered county, but only to the extent such regulations or prohibitions are more restrictive than those adopted by a municipality located within such county."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 1352, Page 1, Section 89.120, Line 1, by inserting immediately before all of said line the following:

"71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town, or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town, or village as provided in this section. The term "contiguous and compact" does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. **The term "contiguous and compact" does not prohibit voluntary annexations under this section merely because such voluntary annexation would create an island of unincorporated area with the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village.** Notwithstanding the provisions of this section, the governing body of any city, town, or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and the Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village.

2. (1) When a verified petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, is presented to the governing body of the city, town, or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in newspapers of general circulation qualified to publish legal matters.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation. If, after holding the hearing, the governing body of the city, town, or village determines that the annexation is reasonable and necessary to the proper development of the city, town, or village, and the city, town, or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town, or village not later than fourteen days after the public hearing by at least two percent of the qualified voters of the city, town, or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town, or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's, or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town, or village shall cause three certified copies of the same to be filed with the clerk of the county wherein the city, town, or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of

the limits of that city, town, or village as so extended."

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Curls offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Bill No. 1352, Page 1, Section A, Line 2, by inserting immediately after all of said line the following:

"67.399. 1. The governing body of any municipality may, by ordinance, establish a semiannual registration fee not to exceed two hundred dollars which shall be charged to the owner of any parcel of residential property improved by a residential structure, or commercial property improved by a structure containing multiple dwelling units, that is vacant, has been vacant for at least six months, and is characterized by violations of applicable housing codes established by such municipality.

2. The municipality shall designate a municipal officer to investigate any property that may be subject to the registration fee. The officer shall report his findings and recommendations, and shall determine whether any such property shall be subject to the registration fee. Within five business days, the clerk of the municipality shall notify by mail the owners of property on which the registration fee has been levied at their last known address according to the records of the city and the county. The property owner shall have the right to appeal the decision of the office to the municipal court within thirty days of such notification. Absent the existence of any valid appeal or request for reconsideration pursuant to subsection 3 of this section, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the decision of the municipal officer.

3. Within thirty days of the municipality making such notification, the property owner may complete any improvements to the property that may be necessary to revoke the levy of the registration fee, and then may request a reinspection of the property and a reconsideration of the levy of the registration fee by the municipality. If the municipal officer revokes the registration fee, no such assessment shall be made and the matter shall be considered closed. If the municipal officer affirms the assessment of the registration fee, the property owner shall have the right to appeal the reconsideration decision of the municipal officer to the municipal court within thirty days of such decision. Absent the existence of any valid appeal to the municipal court or other court of competent jurisdiction, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the reconsideration decision of the municipal governing body.

4. The municipal governing body shall establish by ordinance procedures for payment of the registration fee and penalties for delinquent payments of such fees. Any registration fees which are delinquent for a period of one year shall become a lien on the property and shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes. The owner of the property against which the assessment was originally made shall be able to redeem the property only by presenting evidence that the violations of the applicable housing code cited by the municipal officers have been cured and presenting payment of all registration fees and penalties. Upon bona fide sale of the property to an unrelated party said lien shall be considered released and the delinquent registration fee forgiven."; and

Further amend the title and enacting clause accordingly.

Senator Curls moved that the above amendment be adopted, which motion prevailed.

Senator DePasco moved that **SCS** for **HB 1352**, as amended, be adopted, which motion prevailed.

On motion of Senator DePasco, **SCS** for **HB 1352**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks

Bentley

Childers

Clay

Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

NAYS--Senator Caskey--1

Absent--Senator Flotron--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HB 1822**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HB 1822, with **SCS**, introduced by Representative Kelly (27), et al, entitled:

An Act to repeal sections 210.720 and 211.183, RSMo 1994, and sections 211.171, 211.447 and 453.010, RSMo Supp. 1997, and to enact in lieu thereof five new sections for the purpose of complying with the federal mandates relating to permanency for children in alternative care, with an emergency clause.

Was taken up by Senator Caskey.

SCS for **HB 1822**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1822

An Act to repeal sections 104.540, 210.720, 210.826, 210.830, 211.183, 211.464, 452.150, 452.310, 452.355, 452.377, 452.405, 452.411, 452.416, 452.600, 452.605, 453.160 and 454.432, RSMo 1994, and sections 192.016, 193.215, 210.109, 210.822, 211.171, 211.444, 211.447, 287.820, 452.340, 452.375, 452.400, 452.402, 452.423, 452.490, 453.010, 453.025, 453.030, 453.040, 453.060, 453.070, 453.075, 453.077, 453.080, 453.110, 453.170, 454.390, 454.408, 454.413, 454.440, 454.455, 454.460, 454.490, 454.505, 476.688 and 568.175, RSMo Supp. 1997, relating to child custody and child support proceedings, and to enact in lieu thereof fifty-eight new sections relating to the same subject, with an emergency clause and penalty provisions.

Was taken up.

Senator Caskey moved that **SCS** for **HB 1822** be adopted, which motion failed.

On motion of Senator Caskey, **HB 1822** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Banks	Flotron--2		
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Bentley moved that **HB 1274**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Rohrbach, the above amendment was withdrawn.

Senator Bentley offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Bill No. 1274, Page 3, Section 660.650.6, Lines 51-56, by deleting all of said lines and renumbering the

remaining section accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Bentley, **HB 1274**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to recede from its position on **HS** for **SB 629**, as amended, and request the House to recede from its position on **HA 1** to **HS** for **SB 629** and repass the bill, which motion prevailed.

Senator Goode moved that the Senate refuse to grant further conference on **HS** for **HCS** for **SB 487**, as amended, and request the House to take up and pass the bill, which motion prevailed.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HBs 977** and **1608**, with **SCS**, entitled:

An Act to repeal sections 82.1025, 441.500, 441.510, 441.530, 441.550, 441.570, 441.580, 441.590, 441.610, 441.620, 441.630, 441.641, and 701.332, RSMo 1994, and section 441.520, RSMo Supp. 1997, relating to abatement of certain property, and to enact in lieu thereof fourteen new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Clay.

SCS for **HS** for **HCS** for **HBs 977** and **1608**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 977 and 1608

An Act to repeal sections 441.500, 441.510, 441.530, 441.550, 441.570, 441.580, 441.590, 441.610, 441.620, 441.630, 441.640, 441.641, and 701.332, RSMo 1994, and sections 82.1025 and 441.520, RSMo Supp. 1997, relating to abatement of certain property, and to enact in lieu thereof fourteen new sections relating to the same subject.

Was taken up.

Senator Clay moved that SCS for HS for HCS for HBs 977 and 1608 be adopted.

Senator Curls offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 977 and 1608, Page 1, In the Title, Line 4, by inserting after the word "abatement" the words "and rehabilitation"; and

Further amend said bill, Page 1, Section A, Line 6, by inserting after all of said line the following:

"67.399. 1. The governing body of any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand may adopt an ordinance as provided in this section. The ordinance may establish a semiannual registration fee not to exceed two hundred dollars which shall be charged to the owner of any parcel of residential property improved by a residential structure, or commercial property improved by a structure containing multiple dwelling units, that is vacant, has been vacant for at least six months, and is characterized by violations of applicable housing codes established by such municipality.

2. The municipality shall designate a municipal officer to investigate any property that may be subject to the registration fee. The officer shall report his findings and recommendations, and shall determine whether any such property shall be subject to the registration fee. Within five business days, the clerk of the municipality shall notify by mail the owners of property on which the registration fee has been levied at their last known address according to the records of the city and the county. The property owner shall have the right to appeal the decision of the office to the municipal court within thirty days of such notification. Absent the existence of any valid appeal or request for reconsideration pursuant to subsection 3 of this section, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the decision of the municipal officer.

3. Within thirty days of the municipality making such notification, the property owner may complete any improvements to the property that may be necessary to revoke the levy of the registration fee, and then may request a reinspection of the property and a reconsideration of the levy of the registration fee by the municipality. If the municipal officer revokes the registration fee, no such assessment shall be made and the matter shall be considered closed. If the municipal officer affirms the assessment of the registration fee, the property owner shall have the right to appeal the reconsideration decision of the municipal officer to the municipal court within thirty days of such decision. Absent the existence of any valid appeal to the municipal court or other court of competent jurisdiction, the registration fee shall begin to accrue on the beginning of the second calendar quarter after the reconsideration decision of the municipal governing body.

4. The municipal governing body shall establish by ordinance procedures for payment of the registration fee and penalties for delinquent payments of such fees. Any registration fees which are delinquent for a period of one year shall become a lien on the property and shall be subject to foreclosure proceedings in the same manner as delinquent real property taxes. The owner of the property against which the assessment was originally made shall be able to redeem the property only by presenting evidence that the violations of the applicable housing code cited by the municipal officers have been cured and presenting payment of all registration fees and penalties. Upon bona fide sale of the property to an unrelated party said lien shall be considered released and the delinquent registration fee forgiven."; and

Further amend said bill, Page 2, Section 82.1025, Line 19, by inserting immediately after all of said line the following:

"89.120. 1. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of sections 89.010 to 89.140 or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of sections 89.010 to 89.140.

2. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable **as follows:**

(1) In any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand, by a fine of not less than ten dollars and not more than five hundred dollars for each and every day that such violation continues or by imprisonment for ten days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court. Notwithstanding the provisions of section 82.300, RSMo, however, for the second and subsequent offenses involving the same violation at the same building or premises, the punishment shall be a fine of not less than two hundred and fifty dollars or more than one thousand dollars for each and every day that such violation shall continue or by imprisonment for ten days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court;

(2) In all other municipalities, by a fine of not less than ten dollars and not more than one hundred dollars for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than one hundred dollars or more than two hundred and fifty dollars for each and every day that such violation shall continue or by imprisonment for ten days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.

3. Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten days after such service or shall continue to violate any provision of the regulations made under authority of sections 89.010 to 89.140 in the respect named in such order shall also be subject to a civil penalty of two hundred and fifty dollars.

141.530. 1. **Except as otherwise provided in section 141.520,** during such waiting period and at any time prior to the time of foreclosure sale by the sheriff, any interested party may redeem any parcel of real estate as provided by this chapter[; provided, however, that]. During such [time] **waiting period** and at any time prior to the time of foreclosure sale by the sheriff, the collector may, at the option of the party entitled to redeem, enter into a written redemption contract with any such party interested in any parcel of real estate, providing for payment in installments, monthly or bimonthly, of the delinquent tax bills, including interest, penalties, attorney's fees and costs charged against such parcel of real estate, provided, however, that in no instance shall such installments exceed twelve in number or extend more than twenty-four months next after any agreement for such installment payments shall have been entered into; provided further, that upon good cause being shown by the owner of any parcel of real estate occupied as a homestead, or in the case of improved real estate with an assessed valuation of not more than three thousand five hundred dollars, owned by an individual, the income from such property being a major factor in the total income of such individual, or by anyone on his behalf, the court may, in its discretion, fix the time and terms of payment in such contract to permit all of such installments to be paid within not longer than forty-eight months after any order or agreement as to installment payments shall have been made.

2. So long as such installments be paid according to the terms of the contract, the said six months waiting period shall be extended, but if any installment be not paid when due, the extension of said waiting period shall be ended without notice, and the real estate shall forthwith be advertised for sale or included in the next notice of sheriff's foreclosure sale.

3. No redemption contracts may be used under this section for residential property which has been vacant for at least six months in any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand.

141.550. 1. The sale shall be conducted, the sheriff's return thereof made, and the sheriff's deed pursuant to the sale executed, all as provided in the case of sales of real estate taken under execution except as otherwise provided in sections 141.210 to 141.810, and provided that such sale need not occur during the term of court or while the court is in session.

2. The following provisions shall apply to any sale under this section of property located within any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand:

(1) The sale shall be held on the day for which it is advertised, between the hours of nine o'clock a.m. and five o'clock p.m. and continued day to day thereafter to satisfy the judgment as to each respective parcel of real estate sold;

(2) The sale shall be conducted publicly, by auction, for ready money. The highest bidder shall be the purchaser unless the highest bid is less than the full amount of all tax bills included in the judgment, interest, penalties, attorney's fees and costs then due thereon. No person shall be eligible to bid at the time of the sale if that person is the owner of any parcel of real estate in the county which is affected by a tax bill which has been delinquent for more than six months.

[2.] **3.** Such sale shall convey the whole interest of every person having or claiming any right, title or interest in or lien upon such real estate, whether such person has answered or not, subject to rights-of-way thereon of public utilities upon which tax has been otherwise paid, and subject to the lien thereon, if any, of the United States of America.

[3.] **4.** The collector shall advance the sums necessary to pay for the publication of all advertisements required by sections 141.210 to 141.810 and shall be allowed credit therefor in his accounts with the county. He shall give credit in such accounts for all such advances recovered by him. Such expenses of publication shall be apportioned pro rata among and taxed as costs against the respective parcels of real estate described in the judgment; provided, however, that none of the costs herein enumerated, including the costs of publication, shall constitute any lien upon the real estate after such sale."; and

Further amend said bill, Page 10, Section 441.643, Line 4, by inserting immediately after all of said line the following:

"447.620. As used in sections 447.620 to 447.640, the following terms mean:

(1) "Housing code", a local building, fire, health, property maintenance, nuisance or other ordinance which contains standards regulating the condition or maintenance of residential buildings;

(2) "Last known address", the address where the property is located or the address as listed in the property tax records;

(3) "Low- or moderate-income housing", housing for persons and families who lack the amount of income necessary to rent or purchase adequate housing without financial assistance, as defined by such income limits as shall be established by the Missouri housing development commission for the purposes of determining eligibility under any program aimed at providing housing for low- and moderate-income families or persons;

(4) "Municipality", any incorporated city, town or village;

(5) "Nuisance", any property which because of its physical condition or use is a public nuisance or any property which

constitutes a blight on the surrounding area or any property which is in violation of the applicable housing code such that it constitutes a substantial threat to the life, health or safety of the public. For purposes of sections 447.620 to 447.640, any declaration of a public nuisance by a municipality pursuant to an ordinance adopted pursuant to sections 67.400 to 67.450, RSMo, shall constitute prima facie evidence that the property is a nuisance;

(6) "Organization", any Missouri not for profit organization validly organized pursuant to law and whose purpose includes the provision or enhancement of housing opportunities in its community;

(7) "Parties in interest", any owner or owners of record, occupant, lessee, mortgagee, trustee, personal representative, agent or other party having an interest in the property as shown by the land records of the recorder of deeds of the county wherein the property is located, **except in any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand, "parties in interest" shall mean owners, lessees, mortgagees or lien holders whose interest has been recorded or filed in the public records;**

(8) "Rehabilitation", the process of improving the property, including, but not limited to, bringing the property into compliance with the applicable housing code.

447.625. 1. Any petition filed under the provisions of sections 447.620 to 447.640 which pertains to property located within any municipality contained wholly or partially within a county with a population of over six hundred thousand and less than nine hundred thousand shall meet the requirements of this section.

2. Summons shall be issued and service of process shall be had as in other in rem or quasi in rem civil actions.

3. The petition shall contain a prayer for a court order approving the organization's rehabilitation plan and granting temporary possession of the property to the organization. The petition shall also contain a prayer for a sheriff's deed conveying title to the property to the organization at the expiration of the one-year period following entry of the order granting temporary possession of the property to the organization when no owner has regained possession of the property pursuant to section 447.438.

4. The court shall stay any ruling on the organization's prayer for a sheriff's deed until the one-year period has expired.

5. The owner shall be entitled to regain possession of the property by motion instead of a new petition under section 447.638. The compensation to be paid shall be set in the same manner as in section 447.638.

6. The organization may file a motion for sheriff's deed in place of a petition for judicial deed under section 447.640.

7. The provisions of sections 447.620 to 447.640 shall apply except where they are in conflict with this section."; and

Further amend the title and enacting clause accordingly.

Senator Curls moved that the above amendment be adopted, which motion prevailed.

Senator Banks offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 977 and 1608, Page 10, Section 701.332, Line 1, by inserting before said line the following:

"701.300. As used in sections 701.300 to [701.324] **701.338**, the following terms mean:

(1) "Abatement", [any set of measures]

(a) **Any measure regulated solely by the Missouri department of health** designed to permanently eliminate lead hazards, which shall include:

[(a)] **a. The removal of lead-bearing substances, the replacement of lead-painted surfaces or fixtures, or the permanent [containment] enclosure or encapsulation of [lead-based] lead-bearing substances; and**

[(b)] **b. All preparation, cleanup, disposal, and postabatement clearance testing activities associated with such measures;**

(b) "Abatement" shall include any measure involving a de minimis surface area or activity excluded from this definition by rule;

(2) "Child-occupied facility", a building or portion of a building constructed prior to 1978 and visited regularly by the same child who is six or fewer years of age including, but not limited to, daycare centers, preschools and kindergarten classrooms. For the purposes of this subdivision, "visited regularly" means a minimum of two visits on different days within any week, provided that each visit lasts at least three hours and the combined weekly visits last at least six hours and the combined annual visits last at least sixty hours;

(3) "Deleading", the removal of lead-bearing substances;

(4) "Department", the department of health;

[(3)] **(5) "Deteriorated lead-bearing substance", any interior or exterior lead-bearing surface coating material [described in paragraph (a) of subdivision (7) of this section] as defined by rule that is peeling, chipping, chalking, or cracking or any lead-bearing substance located on an interior or exterior surface or fixture that is damaged [or], deteriorated or otherwise separating from the substrate or a structure component;**

[(4)] **(6) "Director", the director of the department of health;**

[(5)] **(7) "Dwelling", either:**

(a) A single-family dwelling, including attached structures such as porches and stoops; or

(b) A single-family dwelling unit in a structure that contains more than one separate residential dwelling unit and in which each such unit is used or occupied or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons;

[(6)] **(8) "Lead abatement contractors, supervisors and workers", any person or entity engaged in lead abatement for whom licensure or certification is required under sections 701.300 to 701.324;**

[(7)] **(8) "Encapsulant", a liquid coating or adhesively bonded substance applied to a surface to form a barrier between a lead-bearing substance and the environment;**

(9) "Encapsulation", the application of an encapsulant;

(10) "Enclosure", the use of rigid, durable construction materials mechanically fastened to a substrate to act as a barrier between a lead-bearing substance and the environment;

(11) "Health care professional", any physician, hospital, or other person which is licensed or otherwise authorized in this state to furnish health care services;

(12) "Interim control", any measure designed to temporarily reduce human exposure or likely human exposure to lead hazards. Such measures may include, but are not limited to, specialized cleaning, repairs, maintenance, painting, temporary containment, on-going monitoring of lead hazards or potential hazards, or the establishment and operation of management and resident education programs;

(13) "Lead abatement contractor", a person or entity licensed by the department to conduct lead-bearing

substance activities at a location other than the contractor's own place of business;

(14) "Lead abatement project":

(a) The encapsulation, enclosure or removal of a lead-bearing substance;

(b) "Lead abatement project" shall not include any measure involving a de minimis surface area or activity excluded from this definition by rule;

(15) "Lead abatement supervisor", a person licensed by the department to direct, control or supervise personnel in a lead abatement project;

(16) "Lead abatement worker", a person licensed by the department to work on a lead abatement project;

(17) "Lead-bearing substance activity", any activity associated with a lead abatement project including, but not limited to, project design, risk assessment, inspection, abatement or deleading under Chapter 701;

(18) "Lead-bearing substance", (a) includes:

[(a)] a. Any paint or other surface coating materials that contain lead equal to or in excess of [material containing more than five-tenths of one percent lead by weight, calculated as lead metal, in the total nonvolatile content of liquid paint, or more than] one milligram per square centimeter or more than five-tenths percent by weight [in the dried film of paint previously applied,] or such other standard for lead content in paint as may be established by federal law or regulation; [or

(b)] b. Surface dust [in residential dwellings] that contains[, as a result of exposure to a lead hazard,] a concentration of lead [in excess of levels determined by the director to pose a threat of adverse health effects in pregnant women or young children] specified by rules promulgated by the department that shall be consistent with the purposes of laws enacted by the United States Congress and regulations promulgated or guidance issued by any federal agency; [or

(c)] c. Bare soil [on residential real property] that contains[, as a result of exposure to a lead hazard,] a concentration of lead [in excess of the levels determined to be hazardous to human health by the director] specified by rules promulgated by the department that shall be consistent with the purposes of laws enacted by the United States Congress and regulations promulgated or guidance issued by any federal agency; or

d. Any lead-based paint, lead-based paint hazard or lead-based paint activity consistent with the purposes of laws enacted by the United States Congress and regulations promulgated or guidance issued by any federal agency; and

(b) "Lead-bearing substance" as regulated by the Missouri department of health does not include any substance generated through the mining, milling or smelting of lead ore or scrap, or generated through lead product manufacturing or use provided that such substance has not migrated off or been transported from the mining, smelting, or manufacturing site and entered a residential area or any other public access environment;

[(8)] (19) "Lead hazard", any condition that causes exposure to lead that would result in adverse human health effects from deteriorated lead-bearing substances or lead-bearing substances present in "accessible surfaces", "friction surfaces", or "impact surfaces", as such terms are defined in 15 U.S.C. 2681;

[(9)] (20) "Lead inspection", a surface-by-surface investigation to determine the presence of lead-bearing substances and a report or provision of a report which explains the results of such an investigation;

(21) "Lead inspector", [the director of the department of health, his designee, or any other] a person [who is authorized] licensed by the department to conduct [comprehensive] lead inspections;

[(10)] **(22)** "Lead poisoning", the laboratory determination of a human whole blood lead level as established by the federal Centers for Disease Control;

[(11)] **(23)** "Owner", any person, who alone, jointly or severally with others:

(a) Has legal title to any **child-occupied facility**, dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(b) Has charge, care or control of [the] **any child-occupied facility**, dwelling or dwelling unit as owner or agent of the owner, or as executor, administrator, trustee, or guardian of, the estate of the owner;

(24) "Project designer", a person licensed by the department to conduct activities including, but not limited to, the development and implementation of occupant protection plans, lead-bearing substance abatement and hazard reduction methods, interior dust abatement and cleanup methods, hazard control and reduction methods, clearance standards and testing protocols and integration of lead-bearing substance abatement methods with modernization and rehabilitation projects for lead abatement projects;

(25) "Risk assessment", an on-site investigation to determine the existence, nature, severity and location of lead hazards, and the provision of a report by the person conducting the risk assessment explaining the results of the investigation and options for reducing lead hazards;

(26) "Risk assessor", a person licensed by the department to conduct risk assessments;

(27) "Work practice standards", requirements or standards that ensure that lead-bearing substance abatement activities are conducted reliably, effectively and safely.

701.301. The department shall promulgate rules necessary to implement and administer the provisions of sections 701.300 to 701.338, including requirements, procedures and standards relating to lead-bearing substance activities. The rules established by the department shall be at least as protective of human health and the environment as the federal program established by the Residential Lead-Based Paint Hazard Reduction Act, as amended, 42 U.S.C. 4851, et seq., and the Toxic Substances Control Act, as amended, 15 U.S.C. 2605, 2607, and 2681 to 2692, and any federal regulations promulgated pursuant to such authority. Nothing in sections 701.300 to 701.338 shall be applied or interpreted to affect the statutes or regulations of any other state agency or the activities subject to regulation by any other state agency.

701.302. 1. There is hereby established the "[Commission] Advisory Committee on Lead Poisoning". The members of the [commission] committee shall consist of [twenty-one] twenty-seven persons who shall be appointed by the governor with the advice and consent of the senate, except as otherwise provided in this subsection. At least five of the members of the [commission] committee shall be African-Americans or representatives of other minority groups disproportionately affected by lead poisoning. The members of the [commission] committee shall include:

(1) The director of the department of health or the director's designee, who shall serve as an ex officio member;

(2) The director of the department of economic development or the director's designee, who shall serve as an ex officio member;

(3) The director of the department of natural resources or the director's designee, who shall serve as an ex officio member;

(4) The director of the department of social services or the director's designee, who shall serve as an ex officio member;

(5) The director of the department of labor and industrial relations or the director's designee, who shall serve as an ex officio member;

(6) One member of the senate, appointed by the president pro tempore of the senate, and one member of the house of representatives, appointed by the speaker of the house of representatives;

[(6)] (7) A representative of the office of the attorney general, **who shall serve as an ex officio member;**

[(7)] (8) A member of a city council, county commission or other local governmental entity;

[(8)] (9) A representative of a [local] **community** housing [authority] **organization;**

[(9)] (10) A representative of property owners;

[(10)] (11) A representative of the real estate industry;

[(11)] Two representatives of] (12) **One representative of an** appropriate public interest [organizations] **organization and one representative of a local public health agency** promoting environmental health and advocating protection of children's health;

[(12)] (13) A representative of the lead industry;

[(13)] (14) A representative of the insurance industry;

[(14)] (15) A representative of the banking industry;

[(15)] A community health nurse;]

(16) A parent of a currently or previously lead-poisoned child;

(17) A representative of the school boards association or an employee of the department of elementary and secondary education, selected by the commissioner of elementary and secondary education;

(18) [A representative of a paint manufacturer] **Two representatives of the lead abatement industry, including one licensed lead abatement contractor and one licensed lead abatement worker;**

(19) A physician licensed under chapter 334, RSMo;

(20) A representative of a lead testing laboratory;

(21) A lead inspector or risk assessor;

(22) The chief engineer of the department of transportation or the chief engineer's designee, who shall serve as an ex officio member;

(23) A representative of a regulated industrial business; and

(24) A representative of a business organization.

2. [By January 1, 1994, the commission shall submit a report to the general assembly and the governor. The report shall contain recommendations for legislation to implement the plans of the commission described in subsection 3 of this section.

3.] The [commission's report] **committee** shall make recommendations relating to [the development of its plans] **actions** to:

(1) Eradicate childhood lead poisoning by the year 2012;

(2) Screen [all] children for lead poisoning;

- (3) Treat and medically manage [all indigent] lead-poisoned children;
- (4) Prevent lead poisoning in children;
- (5) [Establish and maintain] **Maintain and increase** laboratory capacity for lead assessments and screening, and a quality control program for laboratories;
- (6) Abate lead problems after discovery;
- (7) Identify **additional** resources, either through a tax or fee structure, to implement programs necessary to address lead poisoning problems and issues;
- (8) Provide an educational program on lead poisoning for the general public and health care providers;
- (9) Determine [how lead contaminated waste should be handled] **procedures for the removal and disposal of all lead contaminated waste in accordance with the Toxic Substances Control Act, as amended, 42 U.S.C. 2681, et seq., solid waste and hazardous waste statutes, and any other applicable federal and state statutes and regulations.**

[4.] **3.** The [commission] **committee** members shall receive no compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. All public members and local officials shall serve for a term of two years **and until their successors are selected and qualified**, and other members shall serve for as long as they hold the office or position from which they were appointed.

4. No later than December fifteenth of each year, the committee shall provide a written annual report of its recommendations for actions as required pursuant to subsection 2 of this section to the governor and general assembly, including any legislation proposed by the committee to implement the recommendations.

5. The committee shall submit records of its meetings to the secretary of the senate and the chief clerk of the house of representatives in accordance with sections 610.020 and 610.023.

701.304. 1. A representative of the department, or a representative of a unit of local government or health department [approved] **licensed** by the department for this purpose, may [inspect] **conduct an inspection or a risk assessment at a dwelling or a child-occupied facility** for the purpose of ascertaining the existence of a lead hazard under the following conditions:

(1) [The department, the owner of the dwelling, and an adult occupant of a dwelling which is rented or leased have been notified that an] **An occupant of the dwelling or a child six or fewer years of age who regularly visits the child-occupied facility** has been identified as having [a dangerous] **an elevated** blood lead level [value] as defined by [the Centers for Disease Control and that the approved local health representative or the department intends to inspect the dwelling] **rule, and the owner of the dwelling has been notified of the inspection or risk assessment by certified mail at least three days prior;** and

(2) The inspection **or risk assessment** occurs at a reasonable time; and

(3) The representative of the department or local government presents appropriate credentials to the owner or occupant; and

(4) [The] **Either the dwelling's owner or adult occupant or the child-occupied facility's owner or agent** grants consent to enter the premises to conduct an inspection [without a warrant issued by the circuit court] **or risk assessment;** or

(5) If consent [by the owner or adult occupant] **to enter** is not granted, the representative of the department [or], local government [director], **or local health department** may petition the circuit court for [a warrant] **an order** to enter the premises and conduct an inspection **or risk assessment after notifying the dwelling's owner or adult occupant in writing of the time and purpose of the inspection or risk assessment at least forty-eight hours in advance.** [If the court finds probable cause exists that the inhabitants of the dwelling are likely to suffer adverse health effects from

continued exposure to a lead hazard which may be present within the dwelling, it shall issue the warrant] **The court shall grant the order upon a showing that an occupant of the dwelling or a child six or fewer years of age who regularly visits the child-occupied facility has been identified as having an elevated blood lead level as defined by rule.**

2. In conducting such an inspection **or risk assessment**, a representative of the department, or representative of a unit of local government or health department [approved] **licensed** by the department for this purpose, may remove samples necessary for laboratory analysis in the determination of the presence of a lead-bearing substance or lead hazard in the designated dwelling **or child-occupied facility**.

701.306. [Upon determination by] **If** the department, or a representative of a unit of local government or health department [approved] **licensed** by the department for this purpose, **determines** that there is a lead hazard at a dwelling **or child-occupied facility** which poses a risk of adverse health effects upon young children [within that dwelling], the department or its [approved] **licensed** local representative:

(1) Shall provide written notification to the owner and an adult occupant of the dwelling **or the owner or agent of a child-occupied facility** of the confirmed presence of a lead hazard which may lead to adverse health effects upon small children who reside in **or regularly visit** the residence **or facility**. The written notification shall include recommendations appropriate for reduction of the lead hazard to an acceptable level and a reasonable time period for abating **or establishing interim controls for** any such lead hazard that is accessible to small children who reside in **or regularly visit** the dwelling **or facility**; and

(2) **May provide written notification to the parents or guardians of children who regularly visit a child-occupied facility of the confirmed presence of a lead hazard that may lead to adverse health effects; and**

(3) May provide a copy of the written notification to the local health officers.

701.308. 1. Upon receipt of [such] **written notification of the presence of a lead hazard**, the owner shall comply with the requirement for abating **or establishing interim controls for** the lead hazard in a manner consistent with the recommendations described by the department and within the applicable time period. If the dwelling **or child-occupied facility** is a rental or leased property, the owner may remove it from the rental market.

2. [No] **Except as provided in subsection 1 of this section, no** tenant shall be evicted because an individual with an elevated blood lead level or with suspected lead poisoning resides in the dwelling, or because of any action required of the dwelling owner as a result of enforcement of sections 701.300 to [701.324] **701.338**. The provisions of this subsection shall not operate to prevent the owner of any such dwelling from evicting a tenant for any other reason as provided by law[, including an assessment by the local health department that the abatement process puts a tenant's health at risk of lead poisoning].

3. **No child shall be denied attendance at a child-occupied facility because of an elevated blood lead level or suspected lead poisoning or because of any action required of the facility owner as a result of enforcement of sections 701.300 to 701.338. The provisions of this subsection shall not prevent the owner or agent of any such child-occupied facility from denying attendance for any other reason allowed by law.**

4. Whenever the department, representative of a unit of local government, or local health department [approved] **licensed** by the department for this purpose, finds, after [inspection and] **providing** written notification **to the owner**, that required actions which will result in the reduction of a lead hazard in a dwelling **or child-occupied facility** have not been taken, the owner shall be deemed to be in violation of sections 701.300 to [701.324] **701.338. Such violation shall not by itself create a cause of action.** The department or the local government or local [approved] health department shall [notify]:

(1) **Notify** in writing the owner found to be causing, allowing or permitting the violation to take place [and shall order]; **and**

(2) **Order** that [prior to a time fixed by the department in consultation with the dwelling owner,] the owner **of the**

dwelling or child-occupied facility shall cease and abate causing, allowing or permitting the violation and shall take such action as is necessary to comply with this section and the rules [or regulations] promulgated [under] **pursuant to** this section. [In cases where]

5. If no action is taken **pursuant to subsection 4 of this section** which [will] **would** result in abatement **or interim control** of the lead hazard within the stated time period, [either or both of] the following steps may be taken:

(1) The local health officer and local building officials may, as practical, use such community or other resources as are available to effect the relocation of the individuals who occupied the affected dwelling **or child-occupied facility** until the owner complies with the notice; [and] **or**

(2) The department, representative of a unit of local government or health department [approved] **licensed** by the department for this purpose, shall report any violation of sections 701.300 to [701.324] **701.338** to the prosecuting attorney of the county in which the dwelling **or child-occupied facility** is located and notify the owner that such a report has been made. The prosecuting attorney shall [take additional measures] **seek injunctive relief** to ensure that the lead hazard is abated **or that interim controls are established.**

701.309. 1. At least ten days prior to the onset of a lead abatement project, the lead abatement contractor conducting such an abatement project shall:

(1) Submit to the department a written notification as prescribed by the department; and

(2) Pay a notification fee of twenty-five dollars.

2. If the lead abatement contractor is unable to comply with the requirements of subsection 1 of this section because of an emergency situation as defined by rule, the contractor shall:

(1) Notify the department by other means of communication within twenty-four hours of the onset of the project; and

(2) Submit the written notification and notification fee prescribed in subsection 1 of this section to the department no more than five days after the onset of the project.

701.310. 1. Any abatement of the lead hazard from the dwelling or child-occupied facility shall be performed in a manner so as not to endanger the health of its occupants or persons performing the abatement.

2. To the extent permitted by federal regulations, [the owner of] an individual who is an owner, a partner in a partnership owning, or a corporate officer in a corporation owning a dwelling and who is not licensed [or certified under] pursuant to section [701.314] 701.312 may personally perform lead [hazard] abatement within a dwelling that he or she owns, unless the residential dwelling is occupied by a person or persons other than the owner, or the owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level. Prior to beginning such abatement, the owner shall consult with the department regarding the most effective method of conducting such lead abatement activities and of the proper procedures in performing those activities.

701.311. 1. Any authorized representative of the department who presents appropriate credentials may, at all reasonable times, enter public or private property to conduct compliance inspections of lead abatement contractors as may be necessary to implement the provisions of sections 701.300 to 701.338 and any rules promulgated pursuant to sections 701.300 to 701.338.

2. It is unlawful for any person to refuse entry or access requested for inspecting or determining compliance with sections 701.300 to 701.338. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath, shall be issued by any circuit or associate circuit judge having jurisdiction for the purpose of enabling such inspections.

3. Whenever the director determines through a compliance inspection that there are reasonable grounds to believe that there has been a violation of any provision of sections 701.300 to 701.338 or the rules promulgated pursuant to sections 701.300 to 701.338, the director shall give notice of such alleged violation to the owner or person responsible, as provided in this section. The notice shall:

- (1) Be in writing;
- (2) Include a statement of the reasons for the issuance of the notice;
- (3) Allow reasonable time as determined by the director for the performance of any act the notice requires;
- (4) Be served upon the property owner or person responsible as the case may require, provided that such notice shall be deemed to have been properly served upon such person when a copy of such notice has been sent by registered or certified mail to the person's last known address as listed in the local property tax records concerning such property, or when such person has been served with such notice by any other method authorized by law;
- (5) Contain an outline of corrective action which is required to effect compliance with sections 701.300 to 701.338 and the rules promulgated pursuant to sections 701.300 to 701.338.

4. If an owner or person files a written request for a hearing within ten days of the date of receipt of a notice, a hearing shall be held within thirty days from the date of receipt of the notice before the director or the director's designee to review the appropriateness of the corrective action. The director shall issue a written decision within thirty days of the date of the hearing. Any final decision of the director may be appealed to the administrative hearing commission as provided in chapter 621, RSMo. Any decision of the administrative hearing commission may be appealed as provided in sections 536.100 to 536.140, RSMo.

5. The attorney general or the prosecuting attorney of the county in which any violation of sections 701.300 to 701.338 or the rules promulgated pursuant to sections 701.300 to 701.338, occurred shall, at the request of the city, county or department, institute appropriate proceedings for correction.

6. When the department determines that an emergency exists which requires immediate action to protect the health and welfare of the public, the department is authorized to seek a temporary restraining order and injunction. Such action shall be brought at the request of the director by the local prosecuting attorney or the attorney general. For the purposes of this subsection, an "emergency" means any set of circumstances that constitutes an imminent health hazard or the threat of an imminent health hazard.

701.312. 1. [By July 1, 1994,] The director of the department of health shall develop a program to [train and] license lead inspectors, **risk assessors, lead abatement supervisors, lead abatement workers, project designers and lead abatement contractors**. The director shall promulgate rules and regulations including, but not limited to:

- (1) The power to issue, restrict, suspend, **revoke, deny** and reissue licenses;
- (2) The ability to enter into reciprocity agreements with other states that have similar licensing provisions;
- (3) Fees for any such licenses;
- (4) [The curriculum for training;] **Training, education and experience requirements; and**
- (5) The [development of a state test and testing standards.

2. The director may authorize employees of the state and local health departments and agencies to temporarily conduct inspections without receiving a license issued under this section until January 31, 1996. The director shall set forth standards and conditions under which unlicensed inspectors may conduct inspections during this transition period.] **implementation of work practice standards, reporting requirements and licensing standards.**

2. The director shall issue temporary risk assessor licenses to persons who, as of the effective date of this section, are licensed by the department as lead inspectors. The temporary risk assessor licenses issued pursuant to this subsection shall expire upon the same date as the expiration date of such person's lead inspector license. The director shall set forth standards and conditions under which temporary risk assessor licenses shall be issued.

701.314. [1. By July 1, 1994,] The director of the department of health shall develop a program to [train and license] **accredit training providers to train lead inspectors, risk assessors, lead abatement [contractors, supervisors and workers] supervisors, lead abatement workers and project designers.** The director shall promulgate rules and regulations including, but not limited to:

- (1) The power to [issue] **grant**, restrict, suspend [and reissue licenses], **revoke, deny or renew accreditation;**
- (2) The ability to enter into reciprocity agreements with other states that have similar [licensing] **accreditation** provisions;
- (3) Fees for any such [licenses] **accreditation;**
- (4) The curriculum for training;
- (5) The development of [a state test and testing] standards **for accreditation; and**
- (6) Procedures for monitoring, training, recordkeeping and reporting requirements for training providers.**

[2. The director may authorize persons to temporarily conduct lead abatement activities without receiving a license issued under this section until January 31, 1996. The director shall set forth standards and conditions under which unlicensed contractors, supervisors and workers may conduct lead abatement activities during this transition period.]

701.316. 1. Except as otherwise authorized by [subsection 2 of section 701.314, subsection 2 of section 701.312, and] subsection 2 of section 701.310, no person shall engage in or conduct [lead inspections or abatement on or after July 1, 1994,] **lead-bearing substance activities** without having successfully completed a [certified] **department or United States Environmental Protection Agency accredited** training program and without having been [certified or] licensed[, as appropriate,] by the department. [Each person so trained and certified or licensed shall be issued a photo identity card.]

2. The department shall develop and periodically update lists of all licensed [and certified] inspectors, contractors, supervisors, workers, and other persons who perform lead hazard inspection and abatement and shall make such lists available free of charge to interested parties and the public.

3. The department may **restrict**, revoke, suspend[, cancel,] or deny [any certification or] any license at any time if it believes that the terms or conditions [thereof] **of such license** are being violated or that the holder of, or applicant for, the [certification or] license has violated any regulation of the department or any other state law or regulation, or any federal law or regulation, or the laws or regulations of other states. The **restriction**, revocation, suspension[, cancellation,] or denial shall be effective immediately. Any person aggrieved by a determination by the department to **restrict**, deny, revoke[, cancel,] or suspend any [certification or] license may request a hearing[. The department shall conduct the hearing as soon as reasonably possible after the request. The certification or] **before the administrative hearing commission within thirty days of receipt of the notice of license restriction, revocation, suspension or denial. The** licensure shall remain **restricted**, revoked, suspended[, canceled,] or denied while the hearing is pending.

4. The director may issue an immediate cease-work order to any person who violates the terms or conditions of any license [or certification] issued [under this section or] **pursuant to** any provision of sections 701.300 to [701.324] **701.338** or any regulation promulgated [hereunder or order issued thereunder] **pursuant to sections 701.300 to 701.338** if, in the best judgment of the director, such violation presents a [clear and significant] health risk to any [occupant, lead inspector, contractor, supervisor, worker, or other] person [engaged in lead abatement and inspection.

5. The director shall assess fees for certifications and licenses issued in accordance with rules or regulations

promulgated pursuant to sections 701.300 to 701.330. All such fees shall be deposited into the state treasury to the credit of the Missouri public health services fund, established in section 192.900, RSMo].

701.318. 1. The department shall develop regulations for laboratory analysis of lead-bearing substances. Such regulations shall include, but not be limited to, provisions establishing a mandatory quality assurance and quality control program.

2. [By August 28, 1994, all] **All** laboratories performing blood lead analyses shall be in compliance with the conditions of the federal Clinical Lab Improvement Act (CLIA).

3. All laboratories shall report blood lead testing results [that are equal to or greater than ten micrograms per deciliter to the department] **as required by rule**.

701.320. [Any] **Except as otherwise provided**, violation of the provisions of sections 701.308, **701.309**, 701.310, **701.311** and 701.316 is a class A misdemeanor.

701.326. 1. The department of health shall establish and maintain a lead poisoning information reporting system which shall include a record of lead poisoning cases which occur in Missouri along with the information concerning these cases which is deemed necessary and appropriate to conduct comprehensive epidemiologic studies of lead poisoning in this state and to evaluate the appropriateness of lead abatement programs.

2. The director of the department of health shall promulgate rules and regulations specifying the level of lead poisoning which shall be reported and any accompanying information to be reported in each case. Such information may include the patient's name, address, diagnosis, pathological findings, the stage of the disease, environmental and known occupational factors, method of treatment and other relevant data from medical histories. Reports of lead poisoning shall be filed with the director of the department of health within a period of time specified by the director. The department shall prescribe the form and manner in which the information shall be reported.

3. The attending [physician] **health care professional** of any patient with lead poisoning shall provide[, in writing,] to the department of health the information required pursuant to this section.

701.328. 1. The department of health shall protect the identity of the patient and physician involved in the reporting required by [section 701.326] **sections 701.318 to 701.330**. Such identity shall not be revealed except that the identity of the patient shall be released only upon written consent of the patient. The identity of the physician shall be released only upon written consent of the physician.

2. The department [shall request] **may release without** consent [for release from a patient or physician only upon a showing by the applicant for such release that obtaining] **any information obtained pursuant to sections 701.318 to 701.330, including** the identities of certain patients or physicians, **when the information** is necessary for [his lead poisoning research and that such lead poisoning research is worthwhile] **the performance of duties by public employees within, or the legally designated agents of, any state or local agency, department or political subdivision, but only when such employees and agents need to know such information to perform their public duties**.

3. The department shall use or publish reports based upon materials reported [under sections 701.326 to 701.330] **pursuant to sections 701.318 to 701.330** to advance research, education, treatment and lead abatement. The department shall provide qualified researchers with data from the reported information upon the researcher's compliance with appropriate conditions as provided by rule and upon payment of a fee to cover the cost of processing the data.

701.330. 1. No individual or organization providing information to the department in accordance with sections [701.326] **701.318** to 701.330 shall be deemed to be, or be held, liable, either civilly or criminally, for divulging confidential information unless such individual or organization acted in bad faith, negligently, or with malicious purpose.

2. Nothing in sections [701.326] **701.318** to 701.330 shall be construed to compel any individual to submit to a medical

or health department examination, treatment or supervision of any kind.

3. Any violation of sections [701.326] **701.318** to 701.330 is an infraction.

701.334. The department shall promote and encourage minorities and females and minority- and female-owned entities to apply for licensure [or certification under sections 701.312 and 701.314] **pursuant to section 701.312** as licensed [or certified] lead inspectors, **risk assessors, project designers, and** lead abatement contractors, supervisors and workers."; and

Further amend the title and enacting clause accordingly.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Clay moved that **SCS** for **HS** for **HCS** for **HBs 977 and 1608**, as amended, be adopted, which motion prevailed.

On motion of Senator Clay, **SCS** for **HS** for **HCS** for **HBs 977 and 1608**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Banks	Bentley	Caskey	Childers
Clay	Curls	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			
NAYS--Senator Kinder--1			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 1136, with **SCAs 1, 2, and 3**, introduced by Representative Stokan, entitled:

An Act to repeal sections 198.026 and 198.029, RSMo 1994, relating to convalescent, nursing and boarding homes, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Johnson.

SCA 1 was taken up.

Senator Johnson moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Johnson offered **SSA 1** for **SCA 1**:

SENATE SUBSTITUTE
AMENDMENT NO. 1 FOR
SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1136, Page 1, In the Title, Lines 2 to 4, by deleting all of said lines and inserting in lieu thereof the following: "To repeal sections 197.200, 198.012, 198.022, 198.026, 198.029, 198.032, 198.070, 208.535 and 660.099, RSMo 1994, and sections 198.067 and 208.533, RSMo Supp. 1997, relating to long-term care, and to enact in lieu thereof fifteen new sections relating to the same subject."; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 197.200, 198.012, 198.022, 198.026, 198.029, 198.032, 198.070, 208.535 and 660.099, RSMo 1994, and sections 198.067 and 208.533, RSMo Supp. 1997, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 197.200, 198.012, 198.022, 198.026, 198.029, 198.032, 198.067, 198.070, 198.071, 208.533, 208.535, 660.099, 1, 2 and 3, to read as follows:

"197.200. As used in sections 197.200 to 197.240, unless the context clearly indicates otherwise, the following terms mean:

(1) "Ambulatory surgical center", any public or private establishment operated primarily for the purpose of performing surgical procedures or primarily for the purpose of performing childbirths, and which does not provide services or other accommodations for patients to stay **within the establishment** more than twenty-three hours [within the establishment] **for surgical procedures, forty-eight hours following vaginal deliveries or ninety-six hours following cesarean sections**, provided, however, that nothing in this definition shall be construed to include the offices of dentists currently licensed pursuant to chapter 332, RSMo; **provided further that nothing in this subdivision shall be construed to authorize treatment for more than twenty-three consecutive hours in an ambulatory surgical center until the department of health promulgates rules and regulations pursuant to chapter 536, RSMo, governing the delivery of extended care obstetrical services in ambulatory surgical centers. Such regulations shall include, but not be limited to, standards for patient safety and security and facilities programs, and services to be provided in connection with the care of patients in ambulatory surgical centers;**

(2) "Dentist", any person currently licensed to practice dentistry pursuant to chapter 332, RSMo;

(3) "Department", the department of health;

(4) "Governmental unit", any city, county or other political subdivision of this state, or any department, division, board or other agency of any political subdivision of this state;

(5) "Person", any individual, firm, partnership, corporation, company, or association and the legal successors thereof;

(6) "Physician", any person currently licensed to practice medicine pursuant to chapter 334, RSMo;

(7) "Podiatrist", any person currently licensed to practice podiatry pursuant to chapter 330, RSMo.

198.012. 1. The provisions of sections 198.003 to 198.136 shall not apply to any of the following entities:

(1) Any hospital, facility or other entity operated by the state or the United States;

(2) Any facility or other entity otherwise licensed by the state and operating exclusively under such license and within the limits of such license, unless the activities and services are or are held out as being activities or services normally provided by a licensed facility [under] **pursuant to** sections 198.003 to 198.186, 198.200, 208.030, and 208.159, RSMo, except hospitals licensed [under] **pursuant to** the provisions of chapter 197, RSMo;

(3) Any hospital licensed [under] **pursuant to** the provisions of chapter 197, RSMo, provided that the residential care facility II, intermediate care facility or skilled nursing facility are physically attached to the acute care hospital; and provided further that the department of health in promulgating rules, regulations and standards pursuant to section 197.080, RSMo, with respect to such facilities, shall establish requirements and standards for such hospitals consistent with the intent of this chapter, and sections **198.032**, 198.067, 198.070, **198.071**, 198.090, 198.093 and 198.139 to 198.180 shall apply to every residential care facility II, intermediate care facility or skilled nursing facility regardless of physical proximity to any other health care facility;

(4) Any facility licensed pursuant to sections 630.705 to 630.760, RSMo, which provides care, treatment, habilitation and rehabilitation exclusively to persons who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disabilities, as defined in section 630.005, RSMo;

(5) Any provider of care under a life care contract, except to any portion of the provider's premises on which the provider offers services provided by an intermediate care facility or skilled nursing facility as defined in section 198.006. For the purposes of this section, "provider of care under a life care contract" means any person contracting with any individual to furnish specified care and treatment to the individual for the life of the individual, with significant prepayment for such care and treatment.

2. Nothing in this section shall prohibit any of these entities from applying for a license [under] **pursuant to** sections 198.003 to 198.136.

198.022. 1. Upon receipt of an application for a license to operate a facility, the department shall review the application, investigate the applicant and the statements sworn to in the application for license and conduct any necessary inspections. A license shall be issued if the following requirements are met:

(1) The statements in the application are true and correct;

(2) The facility and the operator are in substantial compliance with the provisions of sections 198.003 to 198.096 and the standards established thereunder;

(3) The applicant has the financial capacity to operate the facility;

(4) The administrator of a residential care facility II, a skilled nursing facility, or an intermediate care facility is currently licensed [under] **pursuant to** the provisions of chapter 344, RSMo;

(5) Neither the operator nor any principals in the operation of the facility have ever [been convicted of] **pled guilty or been found guilty of** a felony offense, **or pursuant to the laws of another jurisdiction of a crime which, if committed within this state would be a felony**, concerning the operation of a long-term health care facility or other health care facility or ever knowingly acted or knowingly failed to perform any duty which materially and adversely affected the health, safety, welfare or property of a resident, while acting in a management capacity. The operator of the facility or any principal in the operation of the facility shall not be under exclusion from participation in the title XVIII (medicare) or title XIX (medicaid) program of any state or territory;

(6) Neither the operator nor any principals involved in the operation of the facility have ever [been convicted of] **pled guilty or been found guilty of** a felony in any state or federal court arising out of conduct involving either management of a long-term care facility or the provision or receipt of health care;

(7) All fees due to the state have been paid.

2. Upon denial of any application for a license, the department shall so notify the applicant in writing, setting forth therein the reasons and grounds for denial.

3. The department may inspect any facility and any records and may make copies of records, at the facility, at the department's own expense, required to be maintained by sections 198.003 to 198.096 or by the rules and regulations promulgated thereunder at any time if a license has been issued to or an application for a license has been filed by the

operator of such facility. The department shall make at least two inspections per year, at least one of which shall be unannounced to the operator. The department may make such other inspections, announced or unannounced, as it deems necessary to carry out the provisions of sections 198.003 to 198.136.

4. Whenever the department has reasonable grounds to believe that a facility required to be licensed [under] **pursuant to** sections 198.003 to 198.096 is operating without a license, and the department is not permitted access to inspect the facility, or when a licensed operator refuses to permit access to the department to inspect the facility, the department shall apply to the circuit court of the county in which the premises is located for an order authorizing entry for such inspection, and the court shall issue the order if it finds reasonable grounds for inspection or if it finds that a licensed operator has refused to permit the department access to inspect the facility."; and

Further amend said bill, Pages 1 to 3, Section 198.026, Lines 1 to 55, and Section 198.026, Lines 1 to 16, by deleting all of said sections and inserting in lieu thereof the following:

"198.026. 1. Whenever a duly authorized representative of the department finds upon an inspection of a facility that it is not in compliance with the provisions of sections 198.003 to 198.096 and the standards established thereunder, the operator or administrator shall be informed of the deficiencies in an exit interview conducted with the operator or administrator or [his] **the operator's or administrator's** designee. The department shall inform the operator or administrator, in writing, of any violation of a class I standard at the time the determination is made. A written report shall be prepared of any deficiency for which there has not been prompt remedial action, and a copy of such report and a written correction order shall be sent to the operator or administrator by certified mail or other delivery service that provides a dated receipt of delivery at the facility address within ten working days after the inspection, stating separately each deficiency and the specific statute or regulation violated.

2. The operator or administrator shall have five working days following receipt of a written report and correction order regarding a violation of a class I standard and ten working days following receipt of the report and correction order regarding violations of class II or class III standards to request any conference and to submit a plan of correction for the department's approval which contains specific dates for achieving compliance. Within five working days after receiving a plan of correction regarding a violation of a class I standard and within ten working days after receiving a plan of correction regarding a violation of a class II or III standard, the department shall give its written approval or rejection of the plan. If there was a violation of any class I standard, immediate corrective action shall be taken by the operator or administrator and a written plan of correction shall be submitted to the department. The department shall give its written approval or rejection of the plan and if the plan is acceptable, a reinspection shall be conducted within twenty calendar days of the exit interview to determine if deficiencies have been corrected. If there was a violation of any class II standard and the plan of correction is acceptable, an unannounced reinspection shall be conducted between forty and ninety calendar days from the date of the exit conference to determine the status of all previously cited deficiencies. If there was a violation of class III standards sufficient to establish that the facility was not in substantial compliance, an unannounced reinspection shall be conducted within one hundred twenty days of the exit interview to determine the status of previously identified deficiencies.

3. If, following the reinspection, the facility is found not in substantial compliance with sections 198.003 to 198.096 and the standards established thereunder or the operator is not correcting the noncompliance in accordance with the approved plan of correction, the department shall issue a notice of noncompliance, which shall be sent by certified mail or other delivery service that provides a dated receipt of delivery to each person disclosed to be an owner or operator of the facility, according to the most recent information or documents on file with the department.

4. The notice of noncompliance shall inform the operator or administrator that the department may seek the imposition of any of the sanctions and remedies provided for in section 198.067, or any other action authorized by law.

5. At any time after an inspection is conducted, the [operator] **parties** may choose to enter into a consent agreement with the department to obtain a probationary license. The consent agreement shall include a provision that the operator will voluntarily surrender the license if substantial compliance is not reached in accordance with the terms and deadlines established [under] **pursuant to** the agreement. The agreement shall specify the stages, actions and time span to achieve substantial compliance.

6. Whenever a notice of noncompliance has been issued, the operator shall post a copy of the notice of noncompliance and a copy of the most recent inspection report in a conspicuous location in the facility, and the department shall send a copy of the notice of noncompliance to the division of family services of the department of social services, the department of mental health, and any other concerned federal, state or local governmental agencies. **Upon request, the department shall send a copy of the notice of noncompliance, the statement of deficiencies, and the response by the facility and their plan of correction to the state representative and state senator for the district in which the cited facility is located and the department shall forward any changes made in the citation.**

7. In order to ensure uniformity of application of regulations throughout the state, the department shall:

(1) Evaluate the requirements for inspectors or surveyors of facilities, including the eligibility, training and testing requirements for the position. Based on the evaluation, the department shall develop and implement additional training and knowledge standards for inspectors or surveyors;

(2) Periodically evaluate the performance of the inspectors or surveyors regionally and statewide in order to identify any deviations or inconsistencies in regulation application. At a minimum, the Missouri on-site surveyor evaluation process and the number and type of actions overturned by the informal dispute resolution process and formal appeal shall be used in the evaluation. Based on this evaluation, the department shall develop standards and a retraining process for the region, state or individual inspector or surveyor, as needed; and

(3) With the full cooperation of and in conjunction with the department of health, evaluate the implementation and compliance of the provisions of subdivision (3) of subsection 1 of section 198.012 in which rules, requirements, regulations and standards pursuant to section 197.080, RSMo, for residential care facilities II, intermediate care facilities and skilled nursing facilities attached to an acute care hospital are consistent with the intent of chapter 198.

198.029. The provisions of section 198.026 notwithstanding, whenever a duly authorized representative of the department finds upon inspection of a licensed facility, and the director of the department finds upon review, that the facility or the operator is not in substantial compliance with a standard or standards the violations of which would present either an imminent danger to the health, safety or welfare of any resident or a substantial probability that death or serious physical harm would result and which is not immediately corrected, the department shall:

(1) Give immediate written notice of the noncompliance to the operator, administrator or person managing or supervising the conduct of the facility at the time the noncompliance is found;

(2) Make public the fact that a notice of noncompliance has been issued to the facility. **In cases of immediate jeopardy**, copies of the notice shall be sent to appropriate hospitals and social service agencies;

(3) Send a copy of the notice of noncompliance, **the statement of deficiencies, and the response by the facility and their plan of correction** to the division of family services of the department of social services, the department of mental health, **and, upon request, to the state representative and state senator for the district in which the facility is located**, and any other concerned federal, state or local government agencies. **The department shall forward any changes made in the citation.** The facility shall post in a conspicuous location in the facility a copy of the notice of noncompliance and a copy of the most recent inspection report.

198.032. 1. Nothing contained in sections 198.003 to 198.186 shall permit the public disclosure by the department of confidential medical, social, personal or financial records of any resident in any facility, except when disclosed in a manner which does not identify any resident, or when ordered to do so by a court of competent jurisdiction. Such records shall be accessible without court order for examination and copying only to the following persons or offices, or to their designees:

(1) The department or any person or agency designated by the department;

(2) The attorney general;

- (3) The department of mental health for residents placed through that department;
- (4) Any appropriate law enforcement agency;
- (5) The resident, his **or her** guardian, or any other person designated by the resident; and
- (6) Appropriate committees of the general assembly and the state auditor, but only to the extent of financial records which the operator is required to maintain pursuant to sections 198.088 and 198.090.

2. Inspection reports and written reports of investigations of complaints, of substantiated reports of abuse and neglect received in accordance with section 198.070, and complaints received by the department relating to the quality of care of facility residents, shall be accessible to the public for examination and copying, provided that such reports are disclosed in a manner which does not identify the complainant or any particular resident. Records and reports shall clearly show what steps the department and the institution are taking to resolve problems indicated in [said] **such** inspections, reports and complaints.

3. Inspection reports and written reports of investigations of complaints made after the effective date of this section of unsubstantiated reports of abuse and neglect received in accordance with section 198.070, and unsubstantiated complaints received by the department relating to the quality of care of facility residents shall be accessible to the administrator, owner and operator of the facility named in the complaint for examination and copying, provided that such reports are disclosed in a manner which does not identify the complainant or any particular resident. The department shall promulgate rules and regulations for an appeal process by a resident, resident's family or legal guardian when a report of abuse or neglect has been found unsubstantiated by the department.

4. The department shall maintain a central registry capable of receiving and maintaining reports received in a manner that facilitates rapid access and recall of the information reported, and of subsequent investigations and other relevant information. The department shall electronically record any telephone report of suspected abuse and neglect received by the department and such recorded reports shall be retained by the department for a period of one year after recording. The department shall protect and keep confidential the identity of reporters or complainants to the central registry, and shall only be released or disclosed as provided pursuant to section 660.320, RSMo.

[4.] **5.** Although reports to the central registry may be made anonymously, the department shall in all cases, after obtaining relevant information regarding the alleged abuse or neglect, attempt to obtain the name and address of any person making a report.

6. The department of health shall fully cooperate with the department of social services in order to comply with this section.

198.067. 1. An action may be brought by the department, or by the attorney general on his **or her** own volition or at the request of the department or any other appropriate state agency, to temporarily or permanently enjoin or restrain any violation of sections 198.003 to 198.096, to enjoin the acceptance of new residents until substantial compliance with sections 198.003 to 198.096 is achieved, or to enjoin any specific action or practice of the facility. Any action brought [under] **pursuant to** the provisions of this section shall be placed at the head of the docket by the court, and the court shall hold a hearing on any action brought [under] **pursuant to** the provisions of this section no less than fifteen days after the filing of the action.

2. The department may bring an action in circuit court to recover a civil penalty against the licensed operator of the facility as provided by this section. Such action shall be brought in the circuit court for the county in which the facility is located. The circuit court shall determine the amount of penalty to be assessed within the limits set out in this section. Appeals may be taken from the judgment of the circuit court as in other civil cases.

3. The operator of any facility which has been cited with a violation of sections 198.003 to 198.096 or the regulations established pursuant thereto, or of subsection (b), (c), or (d) of section 1396r of Title 42 of the United States Code or the regulations established pursuant thereto, is liable to the state for civil penalties of up to ten thousand dollars for each day

that the violations existed or continues to exist. Violations shall be presumed to continue to exist from the time they are found until the time the division of aging finds them to have been corrected. The amount of the penalty shall be determined as follows:

- (1) For each violation of a class I standard, not less than one hundred fifty dollars nor more than one thousand dollars;
- (2) For each violation of a class II standard, not less than fifty dollars nor more than five hundred dollars;
- (3) For each violation of a class III standard, not less than fifteen dollars nor more than one hundred fifty dollars;
- (4) For each violation of a federal standard which does not also constitute a violation of a state law or regulation, not less than two hundred fifty dollars nor more than five hundred dollars;
- (5) For each specific class I violation by the same operator which has been cited within the past twenty-four months and for each specific class II or III violation by the same operator which has been cited within the past twelve months, double the amount last imposed.

As used in this subdivision the term "violation" shall mean a breach of a specific state or federal standard or statute which remains uncorrected and not in accord with the accepted plan of correction at the time of the reinspection conducted pursuant to subsection 3 of section 198.026 or the regulations established pursuant to Title 42 of the United States Code. A judgment rendered against the operator of a facility pursuant to this subsection shall bear interest as provided in subsection 1 of section 408.040, RSMo.

4. Any individual who willfully and knowingly certifies [under] **pursuant to** subsection (b)(3)(B)(i) of section 1396r of Title 42 of the United States Code a material and false statement in a resident assessment is subject to a civil penalty of not more than one thousand dollars with respect to each assessment. Any individual who willfully and knowingly causes another individual to certify [under] **pursuant to** subsection (b)(3)(B)(i) of section 1396r of Title 42 of the United States Code a material and false statement in a resident assessment is subject to a civil penalty of not more than five thousand dollars with respect to each assessment.

5. The imposition of any remedy provided for in sections 198.003 to 198.186 shall not bar the imposition of any other remedy.

6. Penalties collected pursuant to this section shall be deposited in the division of aging elderly home delivered meals trust fund as established in section 660.078, RSMo. **Such penalties shall not be considered a charitable contribution for tax purposes.**

7. To recover any civil penalty, the moving party shall prove by clear and convincing evidence that the violation occurred.

8. The licensed operator of a facility against whom an action to recover civil penalty is brought pursuant to this section may confess judgment as provided in section 511.070, RSMo, at any time prior to hearing. If [said] **such** licensed operator agrees to confess judgment, the amount of the civil penalty recommended by the moving party in its petition shall be reduced by twenty-five percent and the confessed judgment shall be entered by the circuit court at the reduced amount.

9. The amount of any civil penalty assessed by the circuit court pursuant to this section shall be reduced by the amount of any civil monetary penalty which the licensed operator of the facility may establish it has paid pursuant to the laws of the United States for the breach of the same federal standards for which the state action is brought.

10. In addition to the civil penalties specified in subdivision (1) of subsection 3 of this section, any facility which is cited with a violation of a class I standard pursuant to subsection 1 of section 198.085, when such violation results in

serious physical injury or abuse of a sexual nature pursuant to subdivision (1) of section 198.006, to any resident of that facility shall be liable to the state for a civil penalty of one hundred dollars multiplied by the number of beds licensed to the facility, up to a maximum of ten thousand dollars pursuant to subsections 1 and 2 of this section. The liability of the facility for civil penalties [under] **pursuant to** this section shall be incurred immediately upon the citation of the violation and shall not be affected by any subsequent correction of the violation. For the purposes of this section, "serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

198.070. 1. When any physician, dentist, chiropractor, optometrist, podiatrist, intern, nurse, medical examiner, social worker, psychologist, minister, Christian Science practitioner, peace officer, pharmacist, physical therapist, facility administrator, employee in a facility, or employee of the department of social services or of the department of mental health, coroner, dentist, hospital and clinic personnel engaged in examination, other health practitioners, mental health professional, adult day care worker, probation or parole officer, law enforcement official or other person with the care of a person sixty years of age or older or an eligible adult has reasonable cause to believe that a resident of a facility has been abused or neglected, he **or she** shall immediately report or cause a report to be made to the department.

2. The report shall contain the name and address of the facility, the name of the resident, information regarding the nature of the abuse or neglect, the name of the complainant, and any other information which might be helpful in an investigation.

3. Any person required in subsection 1 of this section to report or cause a report to be made to the department who knowingly fails to make a report within a reasonable time after the act of abuse or neglect as required in this subsection is guilty of a class A misdemeanor.

4. In addition to those persons required to report [under] **pursuant to** subsection 1 of this section, any other person having reasonable cause to believe that a resident has been abused or neglected may report such information to the department.

5. Upon receipt of a report, the department shall initiate an investigation within twenty-four hours and as soon as possible during the course of the investigation, **the department** shall notify the resident's next of kin or responsible party of the report and the investigation and further notify them whether the report was substantiated or unsubstantiated. **As provided pursuant to section 565.186, RSMo, substantiated reports of elder abuse shall be promptly reported by the department to the appropriate law enforcement agency and prosecutor.**

6. If the investigation indicates possible abuse or neglect of a resident, the investigator shall refer the complaint together with his **or her** report to the department director or [his] **the director's** designee for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate removal is necessary to protect the resident from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the resident in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the resident, for a period not to exceed thirty days.

7. Reports shall be confidential, as provided [under] **pursuant to** section 660.320, RSMo.

8. Anyone who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted in bad faith or with malicious purpose. **The penalties provided pursuant to section 565.188, RSMo, shall be imposed on any person found guilty of purposely filing a false report of elder abuse or neglect.**

9. Within five working days after a report required to be made [under] **pursuant to** this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

10. No person who directs or exercises any authority in a facility shall evict, harass, dismiss or retaliate against a

resident or employee because he **or she**, or any member of his **or her** family has made a report of any violation or suspected violation of laws, ordinances or regulations applying to the facility which [he] **the resident, the resident's family or an employee** has reasonable cause to believe has been committed or has occurred. **Through the existing division of aging information and referral telephone contact line, residents, their families and employees of the facility shall be able to obtain information about their rights, protections and options in cases of eviction, harassment, dismissal or retaliation due to a report being made pursuant to this section.**

11. Any person who knowingly abuses or neglects a resident of a facility shall be guilty of a class D felony.

12. The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who have been finally determined by the department pursuant to section 660.315, RSMo, to have recklessly, knowingly or purposely abused or neglected a resident while employed in any facility.

13. The timely self-reporting of incidents to the central registry by a facility shall continue to be investigated in accordance with department policy but shall not be counted or reported by the department as a hot line call, but rather a self-reported incident.

198.071. 1. Every current employee and new hire in every facility licensed pursuant to chapter 198 and those facilities in subdivision (3) of subsection 1 of section 198.012 covered by this section regardless of their physical proximity to any other health care facility, and every employee and new hire of every hospital licensed pursuant to chapter 197, RSMo, who could reasonably be expected to come in contact with residents from a chapter 198 facility shall be given an employee information packet on elderly abuse and neglect by the employer which is provided by the division of aging on the employee's and new hire's rights and responsibilities pursuant to section 198.070. The employee information packet on elderly abuse and neglect shall include an elderly abuse and neglect hot line card, information on abuse and neglect, an explanation of the possible criminal charges for not reporting abuse and neglect and for filing a false report, what steps to take before calling the hot line, an explanation of confidentiality, and the protections against retaliation.

2. Every facility licensed pursuant to chapter 198 and those in subdivision (3) of subsection 1 of section 198.012 covered by this section regardless of their physical proximity to any other health care facility shall give each facility volunteer, and each resident, and the resident's next of kin, legal guardian or designee a packet of information which includes a brochure provided by the division of aging on elderly abuse and neglect and an elderly abuse and neglect hot line card. This packet shall be given prior to or at the time of the resident's admission to the facility or before a volunteer begins working in the facility. The brochure shall be developed by the division of aging to inform residents, families and volunteers about what to look for, what steps to take before calling the hot line and why their reporting of abuse and neglect is important for the safety of all residents. The brochure shall also reassure individuals that a hot line call is confidential and provide information on the protections against retaliation.

3. The distribution of the material required by this section shall be verified by the department as part of the facility's regular inspection.

4. The department of health shall cooperate with the department of social services in the distribution of the material described in this section and shall require, check and cite for failure to distribute the material as it does with other required documents as part of the regular inspection of any hospital licensed pursuant to chapter 197, RSMo.

208.533. 1. There is hereby established a twenty-member "Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals" under the division of aging. The commission shall consist of the following members:

(1) The directors of the departments of health, mental health and social services or their designees;

(2) The directors of the office of minority health and the division of aging who shall serve as co-chairs of the commission;

- (3) Two members of the Missouri house of representatives, one from each major political party represented in the house of representatives, appointed by the speaker of the house who shall serve in a nonvoting, advisory capacity;
- (4) Two members of the senate, one from each major political party represented in the senate, appointed by the president pro tem of the senate who shall serve in a nonvoting, advisory capacity;
- (5) A representative of the office of the lieutenant governor who shall serve in a nonvoting, advisory capacity; and
- (6) Ten individuals appointed by the governor with the advice and consent of the senate who are currently working in the field of minority elderly health, psychological or social problems who have demonstrated expertise in one or more of the following areas: treatment of cardiovascular, cancer and diabetic conditions; nutrition; community-based health services; legal services; elderly consumer advocacy; gerontology or geriatrics; social work and other related services including housing. At least two of the individuals appointed by the governor shall be minority older individuals. The members appointed by the governor shall be residents of Missouri. Any vacancy on the commission shall be filled in the same manner as the original appointment.

2. Members appointed by the governor shall serve for **three-year** terms [which are limited to November 1, 1998]. Other members, except legislative members, shall serve for as long as they hold the position which made them eligible for appointment. Legislative members shall serve during their current term of office but may be reappointed.

3. Members of the commission shall not be compensated for their services, but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. The office of administration and the departments of health, mental health and social services shall provide such support as the commission requires to aid it in the performance of its duties.

208.535. [1.] The responsibilities of the commission shall include, but not be limited to, the following:

(1) The commission shall annually prepare a report identifying the special needs of the minority older population in Missouri as compared to the older population at-large and make recommendations for meeting those needs. The report shall be completed no later than October first of each year, beginning in 1995, and copies transmitted to the governor, the general assembly and appropriate state agencies. The report shall, at a minimum:

- (a) Contain an overview of the special health, psychological and social needs of minority older Missourians with particular attention to low-income minority older individuals;
- (b) Identify specific diseases and health conditions for which minority older individuals are at greater risk than the general population;
- (c) Identify problems experienced by minority older individuals in obtaining services from governmental agencies;
- (d) Identify programs at the state and local level designed to specifically meet the needs of minority older individuals; and
- (e) Recommend program improvements and services at the state and local level designed to address the special unmet needs of the minority older population;

(2) In preparing the report required by this section, the commission shall solicit and consider the input of individuals and organizations representing the concerns of the minority older population, with particular attention to the service needs of those with incomes below the federal poverty level, concerning:

- (a) Programs and services needed by minority older individuals;
- (b) The extent to which existing programs do not meet the needs of minority older individuals;
- (c) The accessibility of existing programs to minority older individuals;

- (d) The availability and adequacy of information regarding existing services;
 - (e) Health problems that minority older individuals experience at a higher rate than the nonminority older population; and
 - (f) Financial, social and other barriers experienced by minority older individuals in obtaining needed services;
- (3) Conduct an outreach program that provides information to minority older Missourians about health, psychological and social problems experienced by minority older individuals and available programs to address those problems, as identified in the report prepared pursuant to this section.

[2. Sections 208.530 to 208.535 shall expire November 1, 1998.]

660.099. 1. The general assembly may appropriate funds in addition to the amount currently being provided per annum for nutrition services for the elderly. Funds so designated to provide nutrition services for the elderly shall be allocated to the Missouri division of aging [to be placed on the formula basis and distributed to each area agency on aging throughout the state of Missouri].

2. The general assembly may appropriate funds in addition to the amount currently being provided per annum through the Missouri elderly and handicapped transportation program. Funds so designated to provide transportation for the elderly and developmentally disabled shall be allocated to the Missouri division of aging [to be placed on the formula basis and distributed to each area agency on aging throughout the state of Missouri].

3. The general assembly may appropriate funds in addition to the amount currently being provided per annum for home-delivered meals for the elderly. Such additional funds shall be allocated to the Missouri division of aging [to be placed on the formula basis and distributed to each area agency on aging throughout the state of Missouri].

Section 1. 1. The department of public safety shall develop or have developed a comprehensive employee information system that may be computer based and shall merge existing employee disqualification lists, substantiated cases of elder abuse pursuant to section 565.186, RSMo, the child protection system central registry disclosed pursuant to chapter 210, RSMo, and information from the highway patrol's criminal background check system, including state and national information to the extent available. In addition, the information system shall include licensure, certification and state contract status for individuals requiring such in the field of health care, education including higher education, care for children including foster care licensure, care for the elderly and care for persons with physical or mental disabilities. For purposes of this section, the term "department" means the department of public safety.

2. Notwithstanding any provision of law to the contrary, the following shall cooperate fully with the department in developing, updating, providing and releasing the information for this comprehensive employee information system:

- (1) The Missouri highway patrol;**
- (2) All state agencies that provide or deal with providers of health care, education, care for children, care for the elderly, care for persons with a physical or mental disability;**
- (3) All state agencies that investigate charges of neglect and abuse of children, the elderly or persons with a physical or mental disability;**
- (4) All state agencies that compile an employee disqualification list for workers in the field of health care, education, care for children, care for the elderly, care for persons with a physical or mental disability;**
- (5) All state agencies that license or certify health care workers, educators, persons working with children, persons who care for the elderly, persons who care for persons with physical or mental disabilities.**

3. The data in the comprehensive employee information system shall be available to:

(1) All employers, including state agencies, or voluntary providers in the field of health, education, care for children, and care and services for the elderly and persons with physical or mental disabilities, including congregate living facilities;

(2) All employers or voluntary providers whose employees or volunteers may have access to private homes or who may be left alone with children, the elderly, or persons with physical or mental disabilities;

(3) Adoption agencies;

(4) Individuals who wish to hire persons who come into their home or hire persons who have access to their home, children or dependents, the elderly, or persons with physical or mental disabilities;

(5) Individuals wishing information on their own personal status in the comprehensive employee information system.

4. The comprehensive employee information system shall be accessible in person, by mail, by facsimile and through telecommunications networks that are able to meet the release requirements in subsection 7 of this section.

5. A reasonable fee may be charged for accessing the comprehensive employee information system.

6. In developing and updating the comprehensive employee information system, the department shall incorporate applicable information from other states to the best of their ability.

7. The department, in consultation with the agencies in subsection 2 of this section providing information for the system, shall develop reasonable rules and procedures for making information easily accessible for the protection of the public while also protecting the rights of those persons in the system, including a signed release from the individual giving permission for the background check and release of such information pursuant to subsections 1 and 2 of this section. Such signed release form shall include information explaining the types of specific information which may be released pursuant to subsections 1 and 2 of this section. There shall be frequent public notification of the availability of the comprehensive employee information system and the release forms shall be readily available statewide.

8. All in-person inquiries that meet the requirements of subsection 7 of this section shall be completed and returned by the department within six business hours of such inquiry. All other requests shall be completed and returned within three business days of their delivery to the department.

9. Any provider required to request a background check pursuant to section 660.317, RSMo, who requests information through the comprehensive employee information system shall be deemed as having satisfied the background check requirements of section 660.317, RSMo.

10. Any person accessing information in the comprehensive employee information system, other than authorized personnel, without the permission of the person being checked is guilty of a class C misdemeanor.

11. The comprehensive employee information system shall be in operation by December 31, 1999.

12. Nothing in this section shall be interpreted as requiring any state agency, provider or employer to utilize the comprehensive employee information system. Nothing in this section shall be interpreted as requiring any individual to submit to a background check through the comprehensive employee information system.

13. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 2. 1. In order to encourage and support families who provide the primary long-term care for an elderly person, the department of social services shall establish the "shared care program".

2. As used in this section, the following terms shall mean:

- (1) "Director", the director of the division of aging of the Missouri department of social services;**
- (2) "Division", the division of aging of the Missouri department of social services;**
- (3) "Elderly" or "elderly persons", persons who are sixty years of age or older;**
- (4) "Elderly dependent", a person who is sixty years of age or older who requires assistance with activities of daily living to the degree that the elderly dependent is unable to live alone as determined and certified by his or her physician licensed pursuant to the provisions of chapter 334, RSMo, or by the division of aging staff when an assessment has been completed for the purpose of qualification for other services, and is living with a registered care giver and, under no circumstances, able or allowed to operate a motor vehicle;**
- (5) "Registered care giver", a shared care member living in the same residence with and caring for an elderly person without monetary compensation;**
- (6) "Shared care", a program administered by the division of aging in which Missouri families who provide primary long-term care for an elderly person and register as a shared care member with the division of aging shall receive access to certain supportive services and may receive a state tax credit;**
- (7) "Shared care community project", a project in a community that offers to help support shared care participation through development of programs;**
- (8) "Shared care provider", any state authorized long-term care provider in the state, including, but not limited to, in-home, home health, hospice, adult day care, residential care facility I or II, or nursing home, who voluntarily registers with the division of aging to be available as a resource for the shared care program;**
- (9) "Shared care tax credit", a tax credit to registered care givers who meet the requirements of section 3 of this act.**

3. The goals of the shared care program shall be as follows:

- (1) To provide services and support for families caring for an elderly person;**
- (2) To increase awareness of the variety of privately funded services which may be available to those persons caring for an elderly person;**
- (3) To increase awareness of the variety of government services which may be available to those caring for an elderly person;**
- (4) Recognition on an annual basis by the governor for those families participating in the shared care program and community project groups participating in the shared care program;**
- (5) To provide a tax credit to members who meet the qualifications pursuant to section 3 of this act; and**
- (6) To promote community involvement by:**
 - (a) Providing local communities information about the shared care program and to encourage the establishment of support groups where none are available and to support existing support groups, and other programs for shared care members and providers to share ideas, information and resources on caring for an elderly person; and**

(b) Encouraging local home care, adult day care or other long term care providers, who have regularly scheduled training sessions for paid care givers, to voluntarily invite shared care members to participate in education and training sessions at no cost to the family. Such providers shall not be held liable in any civil or criminal action related to or arising out of the participation or training of shared care members in such sessions.

4. To further the goals of the shared care program, the director shall:

(1) Promulgate specific rules and procedures, in accordance with section 536.024, RSMo, for the shared care program;

(2) Maintain a registry of names and addresses of shared care members and shared care providers;

(3) Compile a list, updated annually, of public and private resources, services and programs which may be available to assist and support the registered care giver with caring for the elderly. Such list shall be given to shared care members along with information on shared care providers in their community. Private organizations and providers shall be responsible for providing information to the division of aging for inclusion on the list. The division of aging shall establish reporting procedures for private organizations and publicly disseminate the division's guidelines statewide;

(4) Compile and distribute to shared care members information about the services and benefits of the shared care program and a bibliography of resources and materials with information helpful to such members. The bibliography will give members an overview of available information and is not required to be comprehensive;

(5) Encourage shared care providers, consumer groups, churches and other philanthropic organizations to help local communities develop local support systems where none are available and to support existing support groups for persons caring for elderly persons and make division staff available, if possible;

(6) In conjunction with the director of revenue, develop a physician certification for shared care tax credit form to be given to registered care givers upon request. The form shall require, but is not limited to:

(a) Identifying information about the registered care giver certifying that he or she qualifies for the shared care tax credit as provided in section 3 of this act, and under no circumstances is his or her elderly dependent able or allowed to operate a motor vehicle;

(b) Identifying information about and the signature of the elderly dependent for verification purposes;

(c) Identifying information about and the signature of the physician licensed pursuant to the provisions of chapter 334, RSMo, for verification and certification purposes;

(d) An explanation by such physician of the conditions or circumstances that prevents the elderly dependent from living alone; and

(e) A complete explanation of the shared care tax credit and its guidelines and directions on completion of the form and how to file for the shared care tax credit with the department of revenue; and

(7) In conjunction with the director of revenue, develop a division of aging certification for shared care tax credit form to be given at the request of the registered care givers when a division of aging assessment has been completed for other purposes. The form shall require, but is not limited to:

(a) Identifying information about the registered care giver for tax purposes, and the signature of the registered care giver certifying that he or she qualifies for the shared care tax credit as provided in section 3 of this act, and under no circumstances is his or her elderly dependent able or allowed to operate a motor vehicle;

(b) Identifying information about and the signature of the elderly dependent for verification purposes;

- (c) Identifying information about and the signature of the division of aging staff for verification and certification purposes;
- (d) An explanation by the division of aging staff of the conditions or circumstances that prevents the elderly dependent from living alone; and
- (e) A complete explanation of the shared care tax credit and its guidelines and directions on completion of the form and how to file for the shared care tax credit with the department of revenue.

3. Funds appropriated for the shared care program shall be appropriated to and administered by the department of social services.

Section 3. 1. Any registered care giver who meets the requirements of this section shall be eligible for a shared care tax credit in an amount not to exceed five hundred dollars to defray the cost of caring for an elderly dependent. The following persons shall be eligible for a shared care tax credit:

- (1) A registered care giver who files the original completed and signed physician certification for shared care tax credit form or the original, completed and signed division of aging certification for shared care tax credit form provided for in subsection 3 of section 2 of this act along with such care giver's Missouri individual income tax return; and
- (2) A registered care giver who cares for an elderly dependent shared care member living in the same residence with the registered care giver for an aggregate of more than six months per tax year.

2. The tax credit permitted pursuant to this section shall be claimed by a registered care giver at the time the income tax return is filed, but in no event shall such tax credit exceed the amount of the registered care giver's tax liability for the year such tax credit is claimed.

3. The tax credit allowed by this section shall only be claimed by participating members of the shared care program who satisfy program eligibility rules established pursuant to the rulemaking authority of section 2 of this act, and whose elderly dependent is not receiving services authorized by the division of aging funded by Medicaid or the Social Services Block Grant.

4. The tax credit allowed by this section shall apply to any year beginning after December 31, 1998.

5. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

6. Any person who knowingly falsifies any document required for the shared care tax credit shall be subject to the same penalties for falsifying other tax documents as provided in chapter 143, RSMo."

Senator Johnson moved that the above substitute amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Johnson offered SSA 1 for SCA 2:

SENATE SUBSTITUTE

AMENDMENT NO. 1 FOR

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Bill No. 1136, Page 3, Section 198.029, Line 16, by inserting after all of said line the following:

"Section 1. 1. The division of aging may establish a pilot project to provide the elderly who suffer from

Alzheimer's disease or dementia with enhanced and specialized care by allowing no more than six Alzheimer or dementia care facilities to be developed.

2. The division of aging may establish a pilot project to provide the elderly with an aging in place concept by allowing no more than four facilities to be developed.

3. Such facilities described in subsections 1 and 2 of this section shall:

(1) Be developed in conjunction with, and work collaboratively with the school of medicine or school of nursing affiliated with a Missouri institution of higher education; and

(2) As a minimum, comply with all life safety codes and comply with staffing patterns as determined by an agreement between the division of aging, participating medical school or school of nursing and such facility administrator. However, in no case may the requirements be less than such requirements required for facilities defined in section 198.006, RSMo. Such agreement shall address:

(a) Physical design of the facility to enhance the care of the elderly to be served;

(b) Staffing patterns;

(c) Admission criteria;

(d) Assessment and monitoring of the residents;

(e) Education of staff employed by the facility; and

(f) Program development.

Section 2. Three of the six facilities described in subsection 1 of section 1 of this act, and two of the four facilities described in subsection 2 of section 1 of this act for these pilot projects shall be facilities currently licensed pursuant to chapter 198, RSMo, and the remaining facilities shall be newly constructed after the division of aging grants approval as a pilot project pursuant to this section.

Section 3. Such facilities described in subsections 1 and 2 of section 1 of this act shall be exempt from the provisions of sections 197.300 to 197.366, RSMo.

Section 4. The division of aging, participating facilities and the school of medicine or school of nursing shall complete a report by August 31, 2002, on the pilot project for the newly constructed facilities and by August 31, 2000, for the existing facilities participating in these projects.

Section 5. No rule or portion of a rule promulgated pursuant to the authority of this act shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend title and enacting clause accordingly.

Senator Johnson moved that the above substitute amendment be adopted, which motion prevailed.

SCA 3 was taken up.

Senator Johnson moved that the above amendment be adopted.

Senator Howard offered **SSA 1** for **SCA 3**:

SENATE SUBSTITUTE

AMENDMENT NO. 1 FOR

SENATE COMMITTEE AMENDMENT NO. 3

Amend House Bill No. 1136, Page 1040 of the Senate Journal, May 6, 1998, Column 2, Lines 7-8, by striking "July 1, [1999] 2001" and inserting in lieu thereof the following: "**April 30, 2000**"; and further amend line 14 of said column, by striking the opening bracket "[" and the closing bracket "]" from said line; and further amend said line, by striking "2002".

Senator Howard moved that the above substitute amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 1136, Page 1, Section 198.026, Line 1, by inserting immediately before all of said line the following:

"197.318. 1. The provisions of section 197.317 shall not apply to a residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility only where the department of social services has first determined that there presently exists a need for additional beds of that classification because the average occupancy of all licensed and available residential care facility I, residential care facility II, intermediate care facility and skilled nursing facility beds exceeds ninety percent for at least three consecutive calendar quarters, in a particular county, and within a fifteen-mile radius of the proposed facility, and the facility otherwise appears to qualify for a certificate of need. The department's certification that there is no need for additional beds shall serve as the final determination and decision of the committee. In determining ninety percent occupancy, residential care facility I and II shall be one separate classification and intermediate care and skilled nursing facilities are another separate classification. The provisions of sections 197.300 to 197.366 shall not apply to any of the following:

- (1) A residential care facility I or residential care facility II which has received approval by the division of aging of plans for construction of such facility by August 1, 1995, and is licensed by the division of aging by August 1, 1996;
- (2) A combined skilled nursing facility and residential care facility I and II located in a tax increment financing district which has received approval by the division of aging of plans for construction of the residential care facility I and II beds by August 1, 1995;
- (3) A residential care facility I or residential care facility II which has received approval by the division of aging of plans for construction of such facility by August 1, 1995, and is located in any county of the first classification without a charter form of government with an assessed valuation of at least one billion dollars but not more than one billion five hundred million dollars;
- (4) A residential care facility I or residential care facility II which has received approval by the division of aging of plans for construction of such facility by August 1, 1995, and is located in a nursing home district which is contiguous to a public hospital district located in a county of the third classification[.];

5. A skilled nursing facility that is owned or operated by a not-for-profit corporation which was created by a special act of the Missouri General Assembly, is exempt from federal income tax as an organization described in Section 501(c) (3) of the Internal Revenue Code of 1986, is controlled directly by a religious organization and is to be operated as part of a continuing care retirement community offering independent living, residential care and skilled care.

2. The Missouri health facilities review committee may for any facility certified to it by the department consider the predominant ethnic or religious composition of the residents to be served by that facility in considering whether to grant a certificate of need.

3. There shall be no expenditure minimum for facilities, beds, or services referred to in subdivisions (1), (2) and (3) of section 197.317. The provisions of this subsection shall expire December 31, 1999.

4. As used in this section, the term "licensed and available" means beds which are actually in place and for which a license has been issued.
5. The provisions of section 197.317 shall not apply to any facility where at least ninety-five percent of the patients require diets meeting the dietary standards defined by section 196.165, RSMo.
6. The committee shall review all letters of intent and applications for long-term care hospital beds meeting the requirements described in 42 C.F.R., section 412.23(e) under its criteria and standards for long-term care beds.
7. Sections 197.300 to 197.366 shall not be construed to apply to litigation pending in state court on or before April 1, 1996, in which the Missouri health facilities review committee is a defendant in an action concerning the application of sections 197.300 to 197.366 to long-term care hospital beds meeting the requirements described in 42 C.F.R., section 412.23(e).".

Senator Ehlmann moved that the above amendment be adopted, which motion failed.

Senator McKenna offered SA 2:

SENATE AMENDMENT NO. 2

Amend House Bill No. 1136, Page 1, In the Title, Line 3, by deleting the word "two" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the word "two" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word and figure "and 198.029" and inserting in lieu thereof the word and figures ", 198.029, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11"; and

Further amend said bill, Page 3, Section 198.029, Line 16, by inserting after all of said line the following:

"Section 1. 1. Sections 1 to 11 of this act shall be known and may be cited as the "Family Care Safety Act".

2. As used in sections 1 to 11 of this act, the following terms shall mean:

(1) "Child care provider", any licensed child care home, any licensed child care center, child placing agency, residential care facility for children, group home, foster family group home, foster family home, employment agency that refers a child care worker to parents or guardians as defined in section 289.005, RSMo. The term "child care provider" does not include summer camps or voluntary associations designed primarily for recreational or educational purposes;

(2) "Child care worker", any person who is employed by a child care provider or who is independently hired to provide or assist in the routine or regular care and supervision of minors when such independently hired person receives at least a portion of his or her wages, salary or other remuneration from any source of state or federal funds, including direct payments, reimbursement or voucher payments;

(3) "Department", the department of health;

(4) "Elder care worker", any person who is independently hired by a family member or other individual, and is not employed by a business or facility, to provide or assist with the direct care of an elderly person when such independently hired person receives at least a portion of his or her wages, salary or other remuneration from any source of state or federal funding, including direct payments, reimbursement and voucher payments;

(5) "Patrol", the Missouri state highway patrol;

(6) "Related child care", child care provided only to a child or children by such child's or children's grandparents, great-grandparents, aunts or uncles, or siblings living in a residence separate from the child or children;

(7) "Related elder care", care provided only to an elder by an adult child, a spouse, a grandchild, a great-grandchild or a sibling of such elder.

Section 2. 1. To protect children and the elderly in this state, and to promote family and community safety by providing information concerning family caregivers, there is hereby established within the department of health a "Family Care Safety Registry and Access Line" which shall be available by January 1, 2000.

2. The family care safety registry shall contain information on child care workers' and elder care workers' background and on licensed child care providers through:

(1) The patrol pursuant to section 43.540, RSMo;

(2) Probable cause findings of abuse and neglect pursuant to sections 210.109 to 210.183, RSMo;

(3) The division of aging's employee disqualification list pursuant to section 660.315, RSMo;

(4) Foster parent licensure denials, revocations and suspensions pursuant to section 210.496, RSMo; and

(5) Child care facility license denials, revocations and suspensions pursuant to sections 210.201 to 210.259, RSMo.

Section 3. 1. Every child care worker and elder care worker shall complete a registration form provided by the department. The department shall make such forms available after June 1, 1999, and may, by rule, determine the specific content of such form, but every form shall:

(1) Request the valid social security number of the applicant;

(2) Include information on the person's right to appeal the information contained in the registry pursuant to section 5 of this act;

(3) Contain the signed consent of the applicant for the background checks required pursuant to this section; and

(4) Contain the signed consent for the release of information contained in the background check for employment purposes only.

2. Those persons employed as a child care worker or elder care worker prior to January 1, 2000, shall register not later than January 1, 2000. Any person hired on or after January 1, 2000, shall complete a registration form within fifteen days of the beginning of such person's employment. Any person employed as a child care worker or elder care worker who fails to submit a completed registration form to the department of health as required by sections 1 to 11 of this act without good cause, as determined by the department, is guilty of a class B misdemeanor.

3. The costs of the criminal background check may be paid by the individual applicant, or by the provider if the applicant is so employed, or for those applicants receiving public assistance, by the state through the terms of the self-sufficiency pact pursuant to section 208.325, RSMo. Any moneys remitted to the patrol for the costs of the criminal background check shall be deposited to the credit of the criminal record system fund as required by section 43.530, RSMo.

4. Any person not required to register pursuant to the provisions of sections 1 to 11 of this act may also be included in the registry if such person voluntarily applies to the department for registration and meets the requirements of this section and section 4 of this act, including submitting to the background checks in subsection 1 of section 4 of this act.

- 5. The provisions of sections 1 to 11 of this act shall not extend to related child care and related elder care.**
- 6. The provisions of sections 1 to 11 of this act shall extend to persons serving as foster parents to minor children.**

Section 4. 1. Upon submission of a completed registration form by a child care worker or elder care worker, the department, in coordination with the department of social services, shall:

- (1) Determine if a probable cause finding of child abuse or neglect involving the applicant has been recorded pursuant to section 210.145, RSMo;**
- (2) Determine if the applicant has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.496, RSMo;**
- (3) Determine if the applicant has been placed on the employee disqualification list pursuant to section 660.315, RSMo;**
- (4) Determine through a request to the patrol pursuant to section 43.540, RSMo, whether the applicant has any conviction, plea of guilty or nolo contendere, or a suspended execution of sentence to a felony charge of any offense pursuant to chapters 198, 334, 560, 565, 566, 568, 569, 573, 575 and 578, RSMo; and**
- (5) If the background check involves a provider, determine if a facility has been refused licensure or has experienced licensure suspension or revocation pursuant to sections 210.201 to 210.259, RSMo, or chapter 198, RSMo.**

2. Upon completion of the background check described in subsection 1 of this section, the department shall include information in the registry for each registrant as to whether any felony convictions, employee disqualification listings pursuant to section 660.315, RSMo, probable cause findings, pleas of guilty or nolo contendere, or license denial, revocation or suspension have been documented through the records checks authorized pursuant to the provisions of sections 1 to 11 of this act.

3. Upon the written request of the registrant, the department shall notify such registrant in writing of the results of the determination recorded on the registry pursuant to this section.

Section 5. The department's registration form for the family care safety registry and the department's notification pursuant to subsection 1 of section 3 of this act shall advise the person of a right to appeal the information contained in the registry. Any such appeal shall be filed in writing at the office of the director of the department of health within thirty days of receiving the results of the determination. An administrative appeal shall be set within thirty days of the filing of the appeal and a decision shall be made within sixty days. If the appeal is decided in favor of such person, the person's records shall be restored in the registry along with a copy of the hearing decision. If the appeal is decided against such person, the person may seek judicial review of such decision pursuant to sections 536.100 to 536.150, RSMo. An applicant's right to appeal herein is in addition to any other appeal rights granted by state law.

Section 6. The department of corrections, the department of public safety and the department of social services shall collaborate with the department to compare records on child care and elder care workers, and the records of persons with criminal convictions and the background checks pursuant to subdivisions (1) to (5) of subsection 2 of section 2 of this act, and to enter into any interagency agreements necessary to facilitate the receipt of such information and the ongoing updating of such information. The department, in coordination with the department of social services, shall promulgate rules and regulations concerning such updating, including subsequent background reviews as listed in subsection 1 of section 4 of this act.

Section 7. The department shall establish and maintain a toll-free telephone service to promote family and community safety by allowing access to certain information recorded in the registry, as provided in section 8 of this act. The department shall develop strategies to promote public awareness of the family care safety registry and toll-free telephone service.

Section 8. 1. The department shall not provide any registry information pursuant to this section unless the department asks the person calling for their name and address, and determines that the inquiry is for employment purposes only. Disclosure of background information concerning a given applicant recorded by the department in the registry shall be limited to:

(1) Confirming whether the individual is listed in the registry; and

(2) Indicating whether the individual has been listed or named in any of the background checks listed in subsection 2 of section 2 of this act. If such individual has been so listed, the department of health shall only disclose the name of the background check in which the individual has been identified. Any specific information related to such background check shall only be disclosed after the department has received a signed request from the person calling, with the person's name, address and reason for requesting the information.

2. Any person who misuses the information obtained from the registry is guilty of a class A misdemeanor.

3. When any registry information is disclosed pursuant to subdivision (2) of subsection 1 of this section, the department shall notify the registrant of the name and address of the person making the inquiry.

4. The department of health staff providing information pursuant to sections 1 to 11 of this act shall have immunity from any liability, civil or criminal, that otherwise might result by reason of such actions; provided, however, any department of health staff person who releases registry information in bad faith or with ill intent shall not have immunity from any liability, civil or criminal. Any such person shall have the same immunity with respect to participation in any judicial proceeding resulting from the release of registry information.

Section 9. The department and the department of social services shall promulgate rules and regulations necessary to implement the provisions of sections 1 to 11 of this act. No rule or portion of a rule promulgated pursuant to the authority of sections 1 to 11 of this act shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

Section 10. The department of health shall make an annual report, no later than July first of each year, to the speaker of the house of representatives and the president pro tem of the senate on the operation of the family care safety registry and toll-free telephone service, including data on the number of information requests received from the public, identification of any barriers encountered in administering the provisions of sections 1 to 11 of this act, recommendations for removing or minimizing the barriers so identified, and any recommendations for improving the delivery of information on child care workers and elder care workers to the public. As part of the annual report, the department shall, within two years of the effective date of sections 1 to 11 of this act, develop recommendations for including relevant criminal records, reviews and checks required or authorized by statute or state regulation in the family care safety registry registration process.

Section 11. For any elder care worker listed in the registry or who has submitted the registration form as required by sections 1 to 11 of this act, an elder care provider, as defined in section 660.317, RSMo, may access the registry in lieu of the requirements established pursuant to subsections 3, 4 and 5 of section 660.317, RSMo."

Senator McKenna moved that the above amendment be adopted.

Senator Klarich raised the point of order that **SA 2** is out of order in that it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

On motion of Senator Johnson, **HB 1136**, as amended, was read the 3rd time and passed by following vote:

YEAS--Senators

Banks

Bentley

Caskey

Childers

DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Rohrbach--1		
	Absent--Senators		
Clay	Curls--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

At the request of Senator McKenna, **HJR 26** was placed on the Informal Calendar.

At the request of Senator Banks, **HB 1489**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1038**, with **SCS**, entitled:

An Act to amend chapter 386, RSMo, relating to certain merchandising practices of utilities by adding thereto seven new sections relating to the same subject, with penalty provisions.

Was taken up by Senator McKenna.

SCS for **HCS** for **HB 1038**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1038

An Act to amend chapter 386, RSMo, relating to certain merchandising practices of utilities by adding thereto five new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator McKenna moved that **SCS** for **HCS** for **HB 1038** be adopted.

Senator McKenna offered **SS** for **SCS** for **HCS** for **HB 1038**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1038

An Act to amend chapter 386, RSMo, relating to certain merchandising practices of utilities by adding thereto five new sections relating to the same subject, with penalty provisions.

Senator McKenna moved that **SS** for **SCS** for **HCS** for **HB 1038** be adopted.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1038, Page 2, Section 386.754, Lines 3 and 4, by striking the following: ", or any other entity providing regulated gas or electric service in another state".

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 1038, Page 1, Section A, Line 3, by following all said line and adding:

"71.620. 1. Hereafter no person following for a livelihood the profession or calling of minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest, lawyer, certified public accountant, dentist, chiropractor, optometrist, chiropodist, or physician or surgeon in this state, shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession or calling, any law, ordinance or charter to the contrary notwithstanding.

2. No person following for a livelihood the profession of veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesman in this state, shall be taxed or made liable to pay any municipal or other corporation tax or license fee for the privilege of following or carrying on his profession by a municipality unless that person maintains a business office within that municipality.

3. No municipal corporation in this state which imposes a license or occupation tax on an electrical corporation, as defined in section 386.020, RSMo, may impose an additional municipal or other corporation tax or license fee upon such electrical corporation which applies to telecommunications equipment or facilities installed or operated by such electrical corporation on its premises, in easements or rights of way possessed by such electrical corporation, or on facilities owned or possessed by it until July 1, 2000."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator McKenna moved that **SS** for **SCS** for **HCS** for **HB 1038**, as amended, be adopted, which motion prevailed.

On motion of Senator McKenna, **SS** for **SCS** for **HCS** for **HB 1038**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Banks	Bentley	Childers	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Lybyer

Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators		
Caskey	Clay	Curls--3	
	Absent--Senator Scott--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Senator Mathewson assumed the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Scott, Chairman of the Committee on State Budget Control, Senator Quick submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HCS** for **HB 1265**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 1265**, entitled:

An Act to repeal section 166.131, RSMo 1994, and section 166.300, RSMo Supp. 1997, relating to school funds, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up by Senator Maxwell.

On motion of Senator Maxwell, **HCS** for **HB 1265** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
Banks	Staples--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Maxwell moved that the Senate refuse to grant conference on **SS** for **HCS** for **HB 1197**, as amended, and request the House to take up and pass the bill.

HOUSE BILLS ON THIRD READING

HJR 26, introduced by Representative Hosmer, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 7 of article IX of the Constitution of Missouri, relating to education and adopting one new section in lieu thereof relating to the same subject.

Was called from the Informal Calendar and taken up by Senator McKenna.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Joint Resolution No. 26, Page 2, Section 7, Line 22, by inserting after all of said line the following: "**The additional revenue provided by this section shall not be part of the "total state revenue" within the meaning of sections 17 and 18 of article X of the Constitution. The expenditure of this additional revenue shall not be an "expense of state government" under section 20 of article X of the Constitution.**".

Senator McKenna moved that the above amendment be adopted, which motion failed.

Senator McKenna offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Joint Resolution No. 26, Page 2, Section 7, Line 22, by inserting after all of said line the following: "**One-half of the additional revenue provided by this section shall not be part of the "total state revenue" within the meaning of sections 17 and 18 of article X of this Constitution. The expenditure of this additional revenue shall not be an "expense of state government" under section 20 of article X of this Constitution.**".

Senator McKenna moved that the above amendment be adopted, which motion failed.

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Joint Resolution No. 26, Page 1, In the Title, Line 2, by inserting immediately after the word "repealing" the following: "section 8 of article III of the Constitution of Missouri relating to term limits and"; and further amend said title, lines 3-4, by striking "adopting one new section in lieu thereof relating to the same subject" and inserting in lieu thereof the following: "adopting three new sections in lieu thereof relating to the same subjects"; and

Further amend said resolution, Page 1, Preamble, Line 4, by striking the words "amendment to article IX" and inserting in lieu thereof the following: "amendments, to be presented to the voters as separate questions, to articles III and IX"; and

Further amend said resolution, Page 1, Preamble, Line 5, by striking the colon ":" and inserting in lieu thereof the following: "and in sections A and B, the amendment receiving the greater majority of votes cast for adoption shall supercede:

Section A. Section 8, article III, constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be submitted to the voters as a separate question, to be known as section 8, to read as follows:

Section 8. After the effective date of this section, no person shall serve for more than a total of four years in the office of speaker of the house of representatives or the office of president pro tem of the senate or to any office hereinafter created which exercises the powers of said offices as presently constituted.

Section 8. (a) After the effective date of this section, no person shall seek election to office in any one house of the general assembly at the following regular election for such office, if, by the end of such person's current term, such person will have served, or but for resignation would have served, twelve or more consecutive years.

[Section 8. No one shall be elected or appointed to serve more than eight years total in any one house of the General Assembly nor more than sixteen years total in both houses of the General Assembly. In applying this section, service in the General Assembly resulting from an election or appointment prior to the effective date of this section shall not be counted.]; and

Further amend said resolution, Page 1, Section A, Line 1, by striking the following: "Section A." and inserting in lieu thereof the following: "Section B."

Senator Schneider moved that the above amendment be adopted.

At the request of Senator McKenna, **HJR 26**, with **SA 3** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 1507** and has taken up and passed **CCS** for **SS** for **SCS** for **HB 1507**.

CONFERENCE COMMITTEE REPORTS

Senator Wiggins, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 1507**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1507

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Bill No. 1507, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Bill No. 1507;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No.

1507, as amended;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 1507 be adopted.

FOR THE SENATE:

/s/ Ed Quick

/s/ Harry Wiggins

/s/ John D. Schneider

/s/ Franc Flotron

/s/ John T. Russell

FOR THE HOUSE:

/s/ Joan Bray

/s/ Tim VanZandt

/s/ Mike Schilling

/s/ Michael R. Gibbons

/s/ Daniel J. Hegeman

Senator Wiggins moved that the above conference committee report be adopted.

At the request of Senator Wiggins, the above motion was withdrawn.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 627**, entitled:

An Act to repeal sections 144.010 and 144.020, RSMo Supp. 1997, relating to utility taxation, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause.

With House Amendments Nos. 1, 2, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 627, Section 313.297, Page 13, Line 1, by inserting at the end of all of said line the following:

"(3) To restore to political subdivisions revenue sources that existed prior to any previously implemented gas industry restructuring.

(4) To remove disparities in the liability of natural gas suppliers for business taxes, franchise fees, and payments in lieu of taxes, which disparities have arisen as a result of any previously implemented gas industry restructuring."

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 627, Page 14, Section 393.297, Line 11, by inserting after all of said line the following:

"5. It is not the intent of this act to regulate the transportation of natural gas, methane, or propane in interstate commerce to the extent that such regulation is preempted by the Constitution of the United States."

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 627, Page 12, Section 393.297, Lines 17-20, by deleting the words "**for the maintenance of gas and electric lines, utility easements and public rights-of-way and for police, fire and other public health services**".

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 627, Page 17, Section 393.299, Line 4, by inserting after the first occurrence of the word "**person**" the words "**on behalf of any seller**"; and

Further amend said line, by striking the second occurrence of the word "**person**" and inserting in lieu thereof the word "**seller**"; and

Further amend said page, said section, line 20, by inserting after the word "**person**" the words "**on behalf of any seller**"; and

Further amend said bill, page 18, section 393.299, line 1, by striking the word "**person**" and inserting in lieu thereof the word "**seller**"; and

Further amend said page, said section, line 3, by striking the word "**person**" and inserting in lieu thereof the word "**seller**"; and

Further amend said bill, page 22, section 393.301, line 3, by inserting before the word "**agreements**" the words "**the seller's**".

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1** and reconsidered **HA 2** and has adopted a new **HA 2** and **HA 4** to **HS** for **HCS** for **SB 629**, as amended, and request the Senate take up and pass **HS** for **HCS** for **SB 629**, as amended.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 629, Page 1, In the Title, Line 2, by inserting after the word "repeal" the following: "section 141.750, RSMo 1994 and"; and

Further amend said bill, Page 1, In the Title, Line 8, by inserting after the word "assembly" the following: "and section 50.150 as it appears in senate committee substitute for house bill no. 1734, as truly agreed and finally passed in the second regular session of the eighty-ninth general assembly"; and

Further amend said bill, Page 1, In the Title, Line 9, by deleting the word "twenty-five" and inserting in lieu thereof the word "twenty-four"; and

Further amend said bill, Page 1, Section A, Line 13, by deleting the word "Sections" and inserting in lieu thereof the following: "Section 141.750, RSMo 1994, and sections"; and

Further amend said bill, Page 1, Section A, Line 17, by inserting after the word "assembly" the following: "and section 50.150 as it appears in senate committee substitute for house bill no. 1734, as truly agreed and finally passed in the second regular session of the eighty-ninth general assembly" and further amend said line, by deleting the word "twenty-five" and inserting in lieu thereof the word "twenty-four"; and

Further amend said bill, Page 1, Section A, Line 18, by inserting after the word "sections" the number "50.1500,"; and

Further amend said bill, Page 2, Section A, Line 1, by deleting the following: "67.1663, 1, 2, and 3"; and inserting in lieu thereof the following: "67.163 and 141.750,"; and

Further amend said bill, Page 2, Section A, Line 2, by inserting after all of said line the following:

"50.1500. 1. The governing body of any county, excluding township counties, may by ordinance or order provide for the payment of all or any part of current real and personal property taxes which are owed, at the option of the taxpayer, on an annual, semiannual or quarterly basis at such times as determined by such governing body.

2. The ordinance shall provide the method by which the amount of property taxes owed for the current tax year in which the payments are to be made shall be estimated. The collector shall submit to the governing body the procedures by which taxes will be collected pursuant to the ordinance or order. The estimate shall be based on the previous tax year's liability. A taxpayer's payment schedule shall be based on the estimate divided by the number of pay periods in which payments are to be made. The taxpayer shall at the end of the tax year pay any amounts owed in excess of the estimate for such year. The county shall at the end of the tax year refund to the taxpayer any amounts paid in excess of the property tax owed for such year. No interest shall be paid by the county on excess amounts owed to the taxpayer. Any refund paid the taxpayer pursuant to this subsection shall be an amount paid by the county only once in a calendar year.

3. If a taxpayer fails to make an installment payment of a portion of the real or personal property taxes owed to the county, then such county may charge the taxpayer interest **and penalties** on the [entire] **remaining** amount of such property taxes owed for that year.

4. Any governing body enacting the ordinance or order specified in this section shall first agree to provide the county collector with reasonable and necessary funds to implement the ordinance or order.;" and

Further amend said bill, Pages 37 to 48, Sections 1, 2 and 3, by deleting all of said sections and inserting in lieu thereof the following:

"141.750. 1. Such land trust shall be a continuing body and shall have and adopt an official seal which shall bear on its face the words "Land Trust of County, Missouri", "Seal", and shall have the power to sue and issue deeds in its name, which deed shall be signed by the chairman or vice chairman, and attested by the secretary or assistant secretary and the official seal of the land trust affixed thereon, and shall have the general power to administer its business as any other corporate body.

2. The land trust may convey title to any real estate sold or conveyed by it by general or special warranty deed, and may convey an absolute title in fee simple, without in any case procuring any consent, conveyance or other instrument from the beneficiaries for which it acts[;]. Provided, however, that each such deed shall recite whether the selling price represents a consideration equal to or in excess of two-thirds of the appraised value of such real estate so sold or conveyed, and if such selling price represents a consideration less than two-thirds of the appraised value of [said] **such** real estate, then the land trustees shall first procure the consent thereto of not less than two of the three appointing authorities, which consent shall be evidenced by a copy of the action of each such appointing authority duly certified to by its clerk or secretary attached to and made a part of [said] **such** deed. **The land trustees shall have to procure one of the three appointing authorities if the land trust conveys such property to any Missouri not for profit organization whose primary purpose is the provision or enhancement of housing opportunities in its community."**

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 629, Page 48, Section 18, Lines 4-8, by deleting all of said lines; and further amend the title and enacting clause accordingly.

President Pro Tem McKenna assumed the Chair.

PRIVILEGED MOTIONS

Senator Goode moved that **SS** for **SCS** for **SB 627**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SS** for **SCS** for **SB 627**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 627

An Act to repeal sections 144.010 and 144.020, RSMo Supp. 1997, relating to utility taxation, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Goode moved that **HS** for **HCS** for **SS** for **SCS** for **SB 627**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Caskey	Childers	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Banks	Bentley	Clay	Curls--4
Absent with leave--Senators--None			

On motion of Senator Goode, **HS** for **HCS** for **SS** for **SCS** for **SB 627** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Childers	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Banks	Clay--2		

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Banks Jacob--2

Absent with leave--Senators--None

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

President Wilson assumed the Chair.

Senator Goode moved that **SB 629**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SB 629**, as amended, entitled:

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 629

An Act to repeal sections 1, 2, 3 and 18 as they appear in senate committee substitute for house substitute for house committee substitute for house bill no. 1636 as truly agreed and finally passed by the second general session of the eighty-ninth general assembly, relating to community improvement, and to enact in lieu thereof twenty-five new sections relating to the same subject.

Was taken up.

Senator Goode moved that **HS** for **HCS** for **SB 629**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Flotron

Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None
 Absent--Senator Banks--1
 Absent with leave--Senators--None

On motion of Senator Goode, **HS** for **HCS** for **SB 629**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Banks	Flotron	Jacob--3	
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 1144, with **SCA 1**, introduced by Representative Mays (50), entitled:

An Act to repeal section 386.570, RSMo 1994, relating to penalties for violation of public service commission orders, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Goode.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion failed.

Senator Goode moved that **HB 1144** be read the 3rd time and finally passed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1526** and has again taken up and passed **SCS** for **HCS** for **HB 1526**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1536** and has again taken up and passed **SCS** for **HCS** for **HB 1536**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HS** for **HCS** for **HB 1434**, as amended, and has again taken up and passed **SCS** for **HS** for **HCS** for **HB 1434**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 478**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HS** for **HCS** for **HB 971** and has again taken up and passed **SS** for **HS** for **HCS** for **HB 971**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SB 743**, as amended by **CCA 1**, and has taken up and passed **CCS** for **HS** for **SB 743**, as amended by the conference committee report.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 650**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCS** for **HB 1891** and has again taken up and passed **SS** for **HCS** for **HB 1891**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 754**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 2** to **HB 1274** and has again taken up and passed **HB 1274**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1352**, as amended and has again taken up and passed **SCS** for **HB 1352**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 936** and has taken up and passed **CCS** for **HCS** for **SB 936**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HCS** for **HB 1038**, as amended, and has again taken up and passed **SS** for **SCS** for **HCS** for **HB 1038**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HS** for **HCS** for **HBs 977** and **1608**, as amended, and has again taken up and passed **SCS** for **HS** for **HCS** for **HBs 977** and **1608**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 709**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1880** and has again taken up and passed **SCS** for **HB 1880**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HS** for **HCS** for **HB 1656**, as amended, and has again taken up and passed **SS** for **SCS** for **HS** for **HCS** for **HB 1656**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SCS** for **SB 659** and has taken up and passed **HS** for

HCS for **SCS** for **SB 659** as amended by the conference committee report.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SB 619** and has taken up and passed **HS** for **HCS** for **SB 619** as amended by the conference committee report.

Bill ordered enrolled.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1943, regarding Nathaniel Russell "Nathan" Anderson, Lee's Summit, which was adopted.

Senator Yeckel offered Senate Resolution No. 1944, regarding William Leonard Oliver, Fenton, which was adopted.

Senator Lybyer offered Senate Resolution No. 1945, regarding Mayor C. Clark Leonard, Salem, which was adopted.

Senator Graves offered Senate Resolution No. 1946, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gus Lohman, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1947, regarding Bud Montgomery, which was adopted.

Senator Graves offered Senate Resolution No. 1948, regarding the One Hundredth Birthday of Rosa Black Ragan, Trenton, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Jerry Kennett, M.D., Columbia.

On motion of Senator Quick, the Senate adjourned until 2:00 p.m., Thursday, May 21, 1998.

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-FOURTH DAY--THURSDAY, MAY 21, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

RESOLUTIONS

On behalf of Senator Singleton, Senator McKenna offered Senate Resolution No. 1949, regarding the Missouri Federation of Square and Round Dance Clubs, which was adopted.

Senator McKenna offered Senate Resolution No. 1950, regarding the sesquicentennial of St. John's Lutheran Church, Arnold, which was adopted.

On behalf of Senator Staples, Senator McKenna offered Senate Resolution No. 1951, regarding Charlotte Moore, Ellington, which was adopted.

On behalf of Senator Staples, Senator McKenna offered Senate Resolution No. 1952, regarding Samuel Ray Wilson, Ellington, which was adopted.

On behalf of Senator Staples, Senator McKenna offered Senate Resolution No. 1953, regarding Philip H. Hall, Ellington, which was adopted.

On behalf of Senator Caskey, Senator McKenna offered Senate Resolution No. 1954, regarding Naomi E. Carroll, Butler, which was adopted.

BILLS DELIVERED TO THE GOVERNOR

SCS for SB 470; SCS for SB 496; SB 517; SB 551; SB 558; SCS for SB 604; SB 631; SCS for SB 649; SB 701; SB 719; SB 793; SB 819; SB 828; SB 829; SB 861; SB 870; SB 884; SB 900; and SB 940, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, Senator McKenna submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **HCS for SCS for SJR 24; SB 473; SS for SB 478; HCS for SB 479; HS for HCS for SCS for SB 501; HCS for SB 526; HCS for SB 535; SCS for SB 536; HCS for SB 550; SB 553; HCS for SB 579; HCS for SS for SCS for SBs 583 and 645; HS No. 2 for HCS for SS for SCS for SB 596; CCS for HS for HCS for SCS for SBs 614, 696, 906, 530, 912 and 914; SB 626; HS for HCS for SS for SCS for SB 627; HS for HCS for SB 629; CCS for HS for SS No. 2 for SCS for SB 632; SB 650; HCS for SB 674; CCS for HS No. 2 for HCS for SS for SCS for SBs 675, 483, 490 and 564; HCS for SB 676; HS No. 2 for HCS for SB 680; SB 709; HS for HCS for SCS for SB 722; HCS for SS for SB 724; HCS for SCS for SB 732; SB 733; CCS for HCS for SB 739; CCS for HS for SB 743; SS for SCS for SB 754; HCS for SB 761; CCS No. 2 for HCS for SB 778; HCS for SB 786; SCS for SB 790; HCS for SS for SB 792; CCS No. 2 for HCS for SB 809; CCS for HS for HCS for SB 827; HCS for SB 841; HCS for SB 842; HCS for SB 844; HCS for SS for SCS for SBs 852 and**

913; HCS for SB 854; CCS for HCS for SB 883; SCS for SB 897; HCS for SB 898; HCS for SCS for SB 922; CCS for HCS for SB 936; SB 941; CCS for SB 945; HCS for SB 963; and HCS for SB 970 begs leave to report that it has examined the same and finds that the bills and joint resolution have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS for SCS for SJR 24; SB 473; SS for SB 478; HCS for SB 479; HS for HCS for SCS for SB 501; HCS for SB 526; HCS for SB 535; SCS for SB 536; HCS for SB 550; SB 553; HCS for SB 579; HCS for SS for SCS for SBs 583 and 645; HS No. 2 for HCS for SS for SCS for SB 596; CCS for HS for HCS for SCS for SBs 614, 696, 906, 530, 912 and 914; SB 626; HS for HCS for SS for SCS for SB 627; HS for HCS for SB 629; CCS for HS for SS No. 2 for SCS for SB 632; SB 650; HCS for SB 674; CCS for HS No. 2 for HCS for SS for SCS for SBs 675, 483, 490 and 564; HCS for SB 676; HS No. 2 for HCS for SB 680; SB 709; HS for HCS for SCS for SB 722; HCS for SS for SB 724; HCS for SCS for SB 732; SB 733; CCS for HCS for SB 739; CCS for HS for SB 743; SS for SCS for SB 754; HCS for SB 761; CCS No. 2 for HCS for SB 778; HCS for SB 786; SCS for SB 790; HCS for SS for SB 792; CCS No. 2 for HCS for SB 809; CCS for HS for HCS for SB 827; HCS for SB 841; HCS for SB 842; HCS for SB 844; HCS for SS for SCS for SBs 852 and 913; HCS for SB 854; CCS for HCS for SB 883; SCS for SB 897; HCS for SB 898; HCS for SCS for SB 922; CCS for HCS for SB 936; SB 941; CCS for SB 945; HCS for SB 963; and HCS for SB 970**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills and joint resolution would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills and joint resolution were so read by the Secretary and signed by the President Pro Tem.

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **SCR 31**, would be read at length by the Secretary and, if no objections be made, be signed to the end that it shall have the full force and effect of law. No objections being made, the concurrent resolution was read by the Secretary and signed by the President Pro Tem.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS No. 2 for HJR 39; HB 898; CCS for SCS for HB 927; HB 931; HB 944; HB 948; HB 950; HB 955; HCS for HBs 957 and 1063; HB 968; HB 986; SCS for HB 987; HB 996; HB 1001; CCS for HB 1002; CCS for HB 1003; CCS for HB 1004; CCS for HB 1005; CCS for HB 1006; CCS for HB 1007; CCS for HB 1008; CCS for HB 1009; CCS for HB 1010; CCS for HB 1011; CCS for HB 1012; SCS for HCS for HB 1013; SCS for HCS for HB 1020; HB 1021; HB 1033; SCS for HB 1043; HB 1046; CCS for SCS for HB 1052; SCS for HB 1055; SCS for HB 1066; HB 1080; HB 1088; HB 1090; HB 1092; CCS No. 2 for SS for SCS for HS for HCS for HB 1095; HB 1103; HB 1107; HB 1113; HB 1120; SCS for HB 1145; SS for SCS for HS for HCS for HBs 1147, 1435, 1050, 1186 and 1108; HB 1148; HB 1157; SCS for HB 1158; HB 1160; CCS for SCS for HS for HCS for HB 1161; HB 1162; HB 1201; HB 1216; HB 1226; HB 1228; SCS for HB 1229; SS for HS for HCS for HBs 1237, 1409, 1166, 1154 and 1491; HB 1240; HCS for HB 1265; CCS for SCS for HB 1272; HB 1274; HB 1299; HB 1300; CCS for HB 1301; SCS for HB 1302; HB 1304; SCS for HB 1309; SCS for HS for HCS for HB 1323; SCS for HB 1352; HB 1357; HB 1369; HB 1374; SCS for HB 1385; SS for SCS for HS for HCS for HBs 1405, 1109 and 1335; HB 1410; HB 1419; SS for SCS for HS for HCS for HBs 1455 and 1463; HB 1468; SCS for HCS for HB 1469; HB 1476; HB 1506; HCS for HB 1510; HB 1511; SS for SCS for HCS for HBs 1519 and 1165; SCS for HB 1528; HB 1531; SCS for HCS for HB 1536; SCS for HB 1556; HB 1562; SCS for HB 1571; HB 1578; HB 1586; HB 1587; HB 1588; SCS for HB 1596; SCS for HB 1599; HB 1600; SCS for HCS for HB 1620; HB 1622; SCS for HS for HCS for HB 1636; SS for SCS for HS for HCS for HB 1656; SCS for HB 1668; CCS for SCS for HCS for HBs 1681 and 1342; CCS for SS for SCS for HS for HB 1694; HB 1705; HB 1707; HB 1718; HB 1730; SCS for HB 1734; HB 1744; HB 1747; HB 1748; SCS for HB 1779; HB 1791; HB 1794; HB 1802; HB 1805; HB 1807; HB 1822; HB 1837; HB 1847; HB 1856; SCS for HB 1859; HB 1862; SCS for HB 1876; SCS for HB 1880; SS for HCS for HB 1891; HB 1905; SCS for HB 1907; CCS for SCS for HB 1918; and HB 1928**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills and joint resolution would be signed by the President Pro Tem to the end that they may become law. No objections being

made, the bills and joint resolution were so read by the Secretary and signed by the President Pro Tem.

RESOLUTIONS

On behalf of Senator Wiggins, Senator McKenna offered Senate Resolution No. 1955, regarding Kerry Skanlon, Kansas City, which was adopted.

On behalf of Senator Westfall, Senator McKenna offered Senate Resolution No. 1956, regarding Chris Alan Higginbotham, which was adopted.

On behalf of Senator Curls, Senator McKenna offered Senate Resolution No. 1957, regarding the Gethsemane New Testament Baptist Church of Kansas City, which was adopted.

On behalf of Senator Curls, Senator McKenna offered Senate Resolution No. 1958, regarding George Roman DeMyers, Charleston, which was adopted.

Senator McKenna offered Senate Resolution No. 1959, regarding Nathaniel Glenn "Nathan" Dunham, Arnold, which was adopted.

Senator McKenna offered Senate Resolution No. 1960, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John J. Schneider, Festus, which was adopted.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 19, 1998

TO THE SECRETARY OF THE SENATE

89th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Committee Substitute Senate Bill No. 634 entitled:

"AN ACT"

To repeal section 577.023, RSMo 1994, and sections 577.020 and 577.041, RSMo Supp. 1997, relating to motor vehicles, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions and an emergency clause.

On May 19, 1998, I approved said House Committee Substitute for Senate Committee Substitute Senate Bill No. 634.

Respectfully submitted,

MEL CARNAHAN

Governor

On motion of Senator McKenna, the Senate adjourned until 10:00 a.m., Thursday, May 28, 1998.

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-FIFTH DAY--THURSDAY, MAY 28, 1998

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

RESOLUTIONS

On behalf of Senator Howard, Senator McKenna offered Senate Resolution No. 1961, regarding Mrs. Lora Bollinger Tinnin, which was adopted.

On behalf of Senator Flotron, Senator McKenna offered Senate Resolution No. 1962, regarding Kathleen Smith, which was adopted.

On behalf of Senator Singleton, Senator McKenna offered Senate Resolution No. 1963, regarding Kenneth Long, which was adopted.

On behalf of Senator Singleton, Senator McKenna offered Senate Resolution No. 1964, regarding Norman Tyler, which was adopted.

On behalf of Senator Kenney, Senator McKenna offered Senate Resolution No. 1965, regarding Skyler "Sky" Jeppson, Blue Springs, which was adopted.

Senator McKenna offered Senate Resolution No. 1966, regarding Patrick J. Lamping, Barnhart, which was adopted.

On behalf of Senator Rohrbach, Senator McKenna offered Senate Resolution No. 1967, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Richard Willibrand, Jefferson City, which was adopted.

On behalf of Senator Howard, Senator McKenna offered Senate Resolution No. 1968, regarding the Ninetieth Birthday of Alta Dever, Puxico, which was adopted.

On behalf of Senator Scott, Senator McKenna offered Senate Resolution No. 1969, regarding the Ninetieth Anniversary of the founding of the City of Maplewood, which was adopted.

On behalf of Senator Caskey, Senator McKenna offered Senate Resolution No. 1970, regarding Stanley S. Grimsley, Adrian, which was adopted.

On behalf of Senator Schneider, Senator McKenna offered Senate Resolution No. 1971, regarding Francis Anthony "Frank" Shelton, St. Louis, which was adopted.

On behalf of Senator Kinder, Senator McKenna offered Senate Resolution No. 1972, regarding the death of Gene E. Huckstep, Cape Girardeau, which was adopted.

On behalf of Senator Ehlmann, Senator McKenna offered Senate Resolution No. 1973, regarding Scott Mitchell Bitney, Lake St. Louis, which was adopted.

On behalf of Senator Johnson, Senator McKenna offered Senate Resolution No. 1974, regarding Betty L. Kelim, which

was adopted.

On behalf of Senator Kinder, Senator McKenna offered Senate Resolution No. 1975, regarding Operation Graduation Weekend, which was adopted.

Senator Wiggins offered Senate Resolution No. 1976, regarding the death of Louis "Lou" Schumacher, Sr., Kansas City, which was adopted.

Senator McKenna offered Senate Resolution No. 1977, regarding the Seventy-fifth Anniversary of Farmers Bank, Antonia, which was adopted.

On behalf of Senator Howard, Senator McKenna offered Senate Resolution No. 1978, regarding Bill and Genetta Carr, which was adopted.

On behalf of Senator Howard, Senator McKenna offered Senate Resolution No. 1979, regarding the One Hundredth Anniversary of the City of Bernie, which was adopted.

On behalf of Senator Maxwell, Senator McKenna offered Senate Resolution No. 1980, regarding Dale Bagley, Macon, which was adopted.

On behalf of Senator Maxwell, Senator McKenna offered Senate Resolution No. 1981, regarding Yvonne Stone, Macon, which was adopted.

On behalf of Senator Maxwell, Senator McKenna offered Senate Resolution No. 1982, regarding Patricia Bagley, Macon, which was adopted.

On behalf of Senator Maxwell, Senator McKenna offered Senate Resolution No. 1983, regarding Anne W. Brown, Macon, which was adopted.

Senator Wiggins offered Senate Resolution No. 1984, regarding Representative Sandra D. Kauffman, Kansas City, which was adopted.

On behalf of Senator Johnson, Senator McKenna offered Senate Resolution No. 1985, regarding JoAnn Barton, which was adopted.

On behalf of Senator Rohrbach, Senator McKenna offered Senate Resolution No. 1986, regarding the One Hundredth Birthday of Mildred Hazelton "Hazel" Callaway Wohlt, Boonville, which was adopted.

On behalf of Senator Rohrbach, Senator McKenna offered Senate Resolution No. 1987, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. Dwight Palmer, Stover, which was adopted.

On behalf of Senator Rohrbach, Senator McKenna offered Senate Resolution No. 1988, regarding Derek Turner Schmitz, Jefferson City, which was adopted.

Senator McKenna offered Senate Resolution No. 1989, regarding Ronald J. Fundis, Hillsboro, which was adopted.

Senator McKenna offered Senate Resolution No. 1990, regarding Timothy Robert Smith, House Springs, which was adopted.

On behalf of Senator Howard, Senator McKenna offered Senate Resolution No. 1991, regarding Phil Dawson, Bernie, which was adopted.

On behalf of Senator Howard, Senator McKenna offered Senate Resolution No. 1992, regarding Guy Comer Pinckley, Jr., Malden, which was adopted.

BILLS DELIVERED TO THE GOVERNOR

SB 473; SS for SB 478; HCS for SB 479; HS for HCS for SCS for SB 501; HCS for SB 526; HCS for SB 535; SCS for SB 536; HCS for SB 550; SB 553; HCS for SB 579; HCS for SS for SCS for SBs 583 and 645; HS No. 2 for HCS for SS for SCS for SB 596; CCS for HS for HCS for SCS for SBs 614, 696, 906, 530, 912 and 914; SB 626; HS for HCS for SS for SCS for SB 627; HS for HCS for SB 629; CCS for HS for SS No. 2 for SCS for SB 632; SB 650; HCS for SB 674; CCS for HS No. 2 for HCS for SS for SCS for SBs 675, 483, 490 and 564; HCS for SB 676; HS No. 2 for HCS for SB 680; SB 709; HS for HCS for SCS for SB 722; HCS for SS for SB 724; HCS for SCS for SB 732; SB 733; CCS for HCS for SB 739; CCS for HS for SB 743; SS for SCS for SB 754; HCS for SB 761; CCS No. 2 for HCS for SB 778; HCS for SB 786; SCS for SB 790; HCS for SS for SB 792; CCS No. 2 for HCS for SB 809; CCS for HS for HCS for SB 827; HCS for SB 841; HCS for SB 842; HCS for SB 844; HCS for SS for SCS for SBs 852 and 913; HCS for SB 854; CCS for HCS for SB 883; SCS for SB 897; HCS for SB 898; HCS for SCS for SB 922; CCS for HCS for SB 936; SB 941; CCS for SB 945; HCS for SB 963; and HCS for SB 970, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

BILLS DELIVERED TO THE SECRETARY OF STATE

HCS for SCS for SJR 24, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Secretary of State by the Secretary of the Senate.

CONCURRENT RESOLUTIONS DELIVERED TO THE GOVERNOR

SCR 31, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Quick, Chairman of the Committee on Rules, Joint Rules and Resolutions, Senator McKenna submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **HS for HCS for SB 619; HS for HCS for SCS for SB 659; CCS for HS for HCS for SS for SCS for SB 781; and CCS for HCS for SS for SB 910**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HS for HCS for SB 619; HS for HCS for SCS for SB 659; CCS for HS for HCS for SS for SCS for SB 781; and CCS for HCS for SS for SB 910**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

HS for HCS for SB 619; HS for HCS for SCS for SB 659; CCS for HS for HCS for SS for SCS

for SB 781; and CCS for HCS for SS for SB 910, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS for SCS for HS for HCS for HB 971; SCS for HS for HCS for HBs 977 and 1608; SS for SCS for HCS for HB 1038; CCS for HCS for HB 1189; SCS**

for **HS** for **HCS** for **HB 1434**; **SCS** for **HCS** for **HB 1526**; **CCS** for **SCS** for **HS** for **HCS** for **HBs 1601, 1591, 1479** and **1615** and **HCS** for **HBs 1094, 1213, 1311** and **1428**; and **CCS** for **SCS** for **HB 1683**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **HCR 8**; **HCR 9**; and **HCR 20**, would be read at length by the Secretary and, if no objections be made, be signed to the end that they shall have the full force and effect of law. No objections being made, the concurrent resolutions were read by the Secretary and signed by the President Pro Tem.

On motion of President Pro Tem McKenna, the Senate adjourned sine die, pursuant to the Constitution.

ROGER B. WILSON

Lieutenant Governor

TERRY L. SPIELER

Secretary of the Senate

Journal of the Senate
EIGHTY-NINTH GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
SECOND REGULAR SESSION

VETO SESSION

FIRST DAY--WEDNESDAY, SEPTEMBER 16, 1998

The Senate was called to order in Veto Session by President Wilson.

The Reverend G. Dale Norfolk offered the following prayer:

Our Father in Heaven, more than ever what happens around the world and across our nation affects us where we live. The reverse must also be true. If what we do and say affects others, make us a blessing. Use us to build up and not tear down, for good and not evil, to help and not hinder. Make us an example of what is right with our state and nation. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Quick announced that photographers from the Associated Press, KMIZ-TV and the Senate had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Absent with leave--Senator Scott--1

Vacancies--1

The Lieutenant Governor was present.

COMMUNICATIONS FROM THE GOVERNOR

The following communications, regarding vetoed Senate bills, were received by the Secretary of State, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 10, 1998

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill 604 entitled:

"AN ACT"

To repeal sections 142.230 and 142.584, RSMo 1994, relating to motor fuel tax refunds, and to enact in lieu thereof two new sections relating to the same subject.

I disapprove of Senate Committee Substitute for Senate Bill 604. My reasons for disapproval are as follows:

Senate Committee Substitute for Senate Bill 604 was approved by the General Assembly very early in the legislative session and greatly simplifies the fuel tax refund process. Later in the legislative session, the General Assembly passed Senate Bill 619 which accomplishes the same improvement regarding fuel tax refunds in addition to several other significant provisions.

Language in Senate Committee Substitute for Senate Bill 604 is in conflict with Senate Bill 619. Therefore, to eliminate any confusion in the statutory interpretation of these bills, I am vetoing Senate Committee Substitute for Senate Bill 604.

For the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill 604 without my approval.

Respectfully submitted,

/s/Mel Carnahan

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 10, 1998

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 614, 696, 906, 530, 912 and 914 entitled:

"AN ACT"

To repeal sections 57.130, 138.430, 196.790, 211.031, 211.331, 426.220, 426.230, 441.500, 441.510, 441.530, 441.550, 441.570, 441.580, 441.590, 441.610, 441.620, 441.630, 441.640, 441.641, 451.100, 476.682, 477.087, 478.265, 478.266, 478.267, 487.090, 491.060, 528.620, 534.070, 534.350, 534.360 and 535.110, RSMo 1994, and sections 56.765, 57.280, 57.290, 82.1025, 105.464, 211.447, 441.520, 478.464, 479.500, 487.020, 487.030, 488.012, 488.015, 506.363, 506.369, 506.372, 506.375, 506.390, 514.040, 534.090, 534.380 and 535.030, RSMo Supp. 1997, and to enact in lieu thereof fifty-eight new sections relating to the judiciary, with an expiration date for a certain section.

I disapprove of Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 614, 696, 906, 530, 912 and 914. My reasons for disapproval are as follows:

The bill creates an office of Commissioner of the Probate Division and Family Court Division of the Twenty-Third judicial circuit. In addition the bill adds section 478.242 which provides that the "presiding judge of any circuit may assign any probate, juvenile, family court, drug court, or traffic court commissioner, or any other commissioner or deputy commissioner of any division of the circuit court to hear..."any case.

It further provides that "all commissioners and deputy commissioners who receive for the state pursuant to law the full amount of salary provided for any judge by article V of the constitution shall also be entitled to all other compensation, both current and deferred, and benefits provided by law for such judges."

This state has seen a proliferation of the creation of "commissioners". They have been created to relieve the circuit courts of the heavy caseload in specific areas of the state. This bill now makes it clear that these commissioners have the power of a judge, as well as the pay and other compensation of a judge. However, they are not selected like judges. Pursuant to Article V of the Missouri Constitution, judges are either elected by the people or nominated and appointed pursuant to the non-partisan court plan known around the country as the "Missouri plan". Our state has been complimented and imitated in the way it selects our judges. Under this bill, however, commissioners are appointed by the presiding judge after a majority vote of the court en banc.

In keeping with our existing judicial system, these commissioner positions should be converted into Article V judicial positions and selected as circuit and associate circuit judges are selected in their circuits.

For all of the above stated reasons for disapproval, I am returning without my approval, Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 614, 696, 906, 530, 912 and 914.

Respectfully submitted,

/s/Mel Carnahan

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 10, 1998

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Substitute for House Committee Substitute for Senate Bill No. 629 entitled:

"AN ACT"

To repeal section 141.750, RSMo 1994 and sections 1, 2 and 3 as they appear in senate committee substitute for house substitute for house committee substitute for house bill no. 1636 as truly agreed and finally passed by the second general session of the eighty-ninth general assembly and section 50.150 as it appears in senate committee substitute for house bill no. 1734, as truly agreed and finally passed in the second regular session of the eighty-ninth general assembly, relating to community improvement, and to enact in lieu thereof twenty-four new sections relating to the same subject.

I disapprove of House Substitute for House Committee Substitute for Senate Bill No. 629. My reasons for disapproval are as follows:

It would attempt to repeal Sections 1, 2 and 3 of Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill 1636 and violate Article III, Section 28 of the Missouri Constitution in the process for failing to state fully those sections intended to be repealed. Such an error will certainly lead to litigation and place both bills at risk.

For all the above stated reasons for disapproval, I am returning House Substitute for House Committee Substitute for Senate Bill No. 629 without my approval.

Respectfully submitted,

/s/Mel Carnahan

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 10, 1998

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Bill No. 841 entitled:

"AN ACT"

To repeal sections 50.1000, 50.1040, 50.1090, 50.1100 and 50.1140, RSMo 1994, and section 50.1110, RSMo Supp. 1997, relating to certain retirement systems, and to enact in lieu thereof eight new sections relating to the same subject.

I disapprove of House Committee Substitute for Senate Bill No. 841. My reasons for disapproval are as follows:

Section 104.348 and 104.351 create the possibility of future equal protection litigation which could prove to be very costly to the State of Missouri.

For all of the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Bill No. 841 without my approval.

Respectfully submitted,

/s/Mel Carnahan

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

July 10, 1998

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you House Committee Substitute for Senate Bill No. 970 entitled:

"AN ACT"

Relating to the Missouri agricultural and small business development authority.

I disapprove of House Committee Substitute for Senate Bill 970. My reasons for disapproval are as follows:

Language in House Committee Substitute for Senate Bill 970 will directly conflict with House Bill 950 which I am signing into law. In order to avoid confusion in the statutory interpretation of this section, I am vetoing House Committee Substitute for Senate Bill No. 970.

For all the above stated reasons for disapproval, I am returning House Committee Substitute for Senate Bill No. 970 without my approval.

Respectfully submitted,

RESOLUTIONS

Senator Quick offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of the Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Section 32, Article III of the Constitution and is ready for the consideration of its business.

Senator Quick offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the Eighty-ninth General Assembly, Second Regular Session, be declared to be the rules of the Veto Session of the Eighty-ninth General Assembly.

Senator Quick moved that the Senate proceed to the order of business, vetoed bills, and that the calendar be called, which motion prevailed.

SCS for SB 604 was called thereafter and no action was taken thereon.

CCS for HS for HCS for SCS for SBs 614, 696, 906, 530, 912 and 914 was called thereafter and no action was taken thereon.

HS for HCS for SB 629 was called thereafter and no action was taken thereon.

HCS for SB 841 was called thereafter and no action was taken thereon.

HCS for SB 970 was called thereafter and no action was taken thereon.

RESOLUTIONS

Senator Schneider, joined by the entire membership of the Senate, offered the following resolution, which was read:

SENATE RESOLUTION NO. 3

WHEREAS, the members of the Missouri Senate always welcome the opportunity to recognize those outstanding professional athletes whose unique achievements have brought honor, glory, and distinction to the Show-Me State; and

WHEREAS, Mark McGwire of the St. Louis Cardinals major league baseball team recently established a new record for the most home runs ever hit in a single season; and

WHEREAS, on his steady march toward the new home run record, Mark McGwire set numerous new benchmarks along the way that included becoming the first Cardinal to hit three home runs in a game at Busch Stadium, setting the team's single-season record for home runs hit at home as well as on the road, distinguishing himself as the first major league player to have three consecutive fifty-homer seasons, and becoming the fastest player to achieve sixty home runs in a season by doing so in only his 142nd team game and 439th at-bat; and

WHEREAS, a former Little League player coached by his dad, Mark McGwire went on to enjoy success as a high school baseball star who was drafted by the Montreal Expos as a pitcher, but who accepted a scholarship to the University of Southern California instead and who played on the 1984 U.S. Olympic team before joining the Oakland Athletics as a first-round, tenth-overall free-agent draft pick; and

WHEREAS, after a rookie-year record forty-nine homers set in 1987, Mark McGwire was traded to the St. Louis Cardinals in exchange for three pitchers right before the 1997 mid-season trading deadline, whereupon he used the twenty-four home runs hit during his two months with the

Cardinals and Coach La Russa to bring his season total up to fifty-eight; and

WHEREAS, a red-headed and goateed Mark McGwire surpassed the Roger Maris home run record on September 8, 1998, at 8:18 p.m. before 49,987 fans with a 341-foot blast that cleared the wall at Busch Stadium by only two feet, and during his run around the bases he characteristically greeted, hugged, and rejoiced with his teammates and with the Cubs, held his bat-boy son aloft for the crowds to see, and embraced members of the Maris family:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, unanimously join to congratulate Mark McGwire for setting a new home run record before a hometown crowd that saw the Cardinals gain a 6-3 victory over the Chicago Cubs and to commend him for the professional and sportsmanlike conduct with which he accomplished this very notable and impressive goal; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for St. Louis Cardinal first baseman Mark McGwire, as a measure of our deepest respect for him.

Senator Schneider moved that the above resolution be adopted and requested that the Lieutenant Governor be allowed to be shown as a sponsor on the resolution, which motion prevailed.

Senator Maxwell offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 4

WHEREAS, the members of the Missouri Senate always welcome the opportunity to acknowledge significant historical milestones attained by this state's many colleges and universities; and

WHEREAS, Hannibal-LaGrange College is observing One Hundred Forty years of operation, the first seventy of which were spent at the campus located in LaGrange and the last seventy at the campus in Hannibal; and

WHEREAS, fully accredited by the prestigious North Central Association of Colleges and Schools, Hannibal-LaGrange College is a four-year liberal arts institution affiliated with the Missouri Baptist Convention and dedicated to providing a sound education in a character-building atmosphere; and

WHEREAS, founded in 1858 by the Wyaconda Baptist Association as the LaGrange Male and Female Seminary, the school later shortened its name to LaGrange College and underwent a difficult period of occupation by Civil War troops before the first seven students could receive their degrees in 1870; and

WHEREAS, in 1917 LaGrange College presented the first state certificates to students completing the Teachers Training Course and ranked fifth in the state that year and first the next year for the number of certificates issued; and

WHEREAS, the years 1927 and 1928 saw great debate over the merits of moving the college to Hannibal, and after a year of building, the newly-established Hannibal-LaGrange College opened in 1929 with an enrollment of 222 students; and

WHEREAS, World War II found the College prospering thanks to a Civilian Pilot Training Program for the Army and training for U.S. Navy Cadets, but after a series of missteps, the College was threatened with closing in 1973 until school personnel and area residents reacted by raising funds necessary to restore Hannibal-LaGrange as a separate and financially-sound institution:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, unanimously join to congratulate Hannibal-LaGrange College for its 140 years of exceptional educational service and to commend the school as it continues to expand and diversify to meet the needs of the future; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Hannibal-LaGrange College as it commemorates 140 years as an outstanding liberal arts educational institution.

Senator Quick offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 5

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Section 32, Article III of the Constitution, made no motion to override the Governor's vetoes of Senate Committee Substitute for Senate Bill No. 604; Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate

Bills Nos. 614, 696, 906, 530, 912 and 914; House Substitute for House Committee Substitute for Senate Bill No. 629; House Committee Substitute for Senate Bill No. 841 and House Committee Substitute for Senate Bill No. 970 when the bills were so called by the President.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives inform the Governor and the Senate that the House is duly convened and is now in session in the 1998 Constitutional Veto Session and ready for consideration of business.

INTRODUCTIONS OF GUESTS

Senator McKenna introduced to the Senate, former State Senators Irene Treppner, St. Louis County; Larry Marshall, Columbia; Glen Klippenstein, Maysville; Phil Snowden, Gladstone; Henry Panethiere, Kansas City; Margaret Rennau, Lee's Summit; Jack Gant, Buckner; Joe Moseley, Columbia and Dr. James A. Noland, Osage Beach.

Senator McKenna introduced to the Senate, former Lieutenant Governor William C. Phelps, Kansas City.

Senator Lybyer introduced to the Senate, former State Representative Al Nilges, Lake Ozark.

Senator Maxwell introduced to the Senate, Ed Smith and Jim Henson, St. Louis; and Pat Stevens.

Senator Staples introduced to the Senate, Mark Jones, Richard Furniss, Norman Crocker, Ben Wharton, Gary Griffin, Mel Banks, Fred Wolf, Gary Elliott, Anthony Sams and Steve Whelan.

Senator Sims introduced to the Senate, Deidre Noonan and Colleen O'Malley, St. Louis County.

Senator Lybyer introduced to the Senate, former State Representative Earl Sponsler, Texas County.

On motion of Senator Quick, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

SECOND DAY--THURSDAY, SEPTEMBER 17, 1998

The Senate met pursuant to adjournment.

President Pro Tem McKenna in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, help us to refrain from condemning in others what we condone in ourselves, from attempting to build ourselves up by tearing others down. Lead us to higher ground where mercy, understanding and love can be found. We are thankful for the teaching of Jesus to love our neighbor as ourself. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

President Wilson assumed the Chair.

President Pro Tem McKenna assumed the Chair.

The Journal of the previous day was read and approved.

Senator Quick announced that photographers from the Senate and the Associated Press had been given permission to take pictures in the Senate Chamber today and requested unanimous consent that the rules pertaining to photographers be waived and that the Senate photographers be allowed to take pictures from the Senate floor, which request was granted.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--32

Absent with leave--Senator Scott--1

Vacancies--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 6, regarding Grant Stephen Bass, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 7, regarding Ethan Scott Munzinger, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 8, regarding Anthony Luke Zerwig, Springfield, which was adopted.

Senators Goode and Schneider offered Senate Resolution No. 9, regarding the death of Corrections Officer James Hopkins, Jr., which was adopted.

Senators Schneider and Goode offered Senate Resolution No. 10, regarding Corrections Officer Timothy T. Ishmon, which was adopted.

Senator Childers offered Senate Resolution No. 11, regarding Larry Frazier, Branson, which was adopted.

Senator Quick offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 12

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to purchase and deliver to each Senator postage stamps not to exceed the value of eight hundred dollars (\$800.00) and to take his or her receipt for the amount of postage stamps delivered, said stamps to be used by each Senator only for official business connected with his office, the expenses of same to be paid out of the contingent fund of the Senate.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 13

WHEREAS, Armour Heights Baptist Church was organized September, 1928 in the then newly developing part of southern Kansas City, Missouri with a congregation of 11 charter members; and

WHEREAS, Armour Heights Baptist Church began meeting in a storefront and purchased property in June, 1929 and has remained at that location until this day building three facilities and presently enjoys a worship center and education building; and

WHEREAS, Armour Heights Baptist Church serves as a meeting place for the community and community groups including the Waldo Neighborhood Association, the Ward Parkway Neighborhood Association and opened its doors to be a polling station for civil elections; and

WHEREAS, Armour Heights Baptist Church has through its history ministered in and to the people of the Kansas City area through both time of wars and peace, economic depression and prosperity, bad times and good times; and

WHEREAS, Armour Heights Baptist Church serves the Kansas City metropolitan area by ministering to the emotional, social, spiritual and mental needs of the community; and

WHEREAS, Armour Heights Baptist Church meets some of the physical needs of people by the collection of food for local food pantries, aids those in need of utility and living expenses, and has a variety of activities for children, youth, adults, and senior adults; and

WHEREAS, Armour Heights Baptist Church is actively engaged in beginning a new ministry to assist the community by developing an infant and toddler daycare center; and

WHEREAS, Armour Heights Baptist Church has not only limited its ministry to the local Kansas City area, but has linked with the Obol Baptist Church Vitebsk, Belarus; and

WHEREAS, Armour Heights Baptist Church continues to grow and remain in the Armour Heights section of Kansas City to fulfill its commitment to the neighborhood and community at large; and

WHEREAS, a church, such as Armour Heights Baptist Church, adds in a positive way to the culture of Kansas City, Missouri, and to the community and neighborhood in which the church is located; and

WHEREAS, Armour Heights Baptist Church has bettered the Kansas City, Missouri, community and culture through its Ministries;

NOW, THEREFORE, BE IT RESOLVED, on the 70th anniversary of the founding of Armour Heights Baptist Church, that Sunday, September 20,

1998, be declared Armour Heights Baptist Church Sunday; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Armour Heights Baptist Church.

Senators Russell, Childers and Westfall offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 14

WHEREAS, the Missouri Fox Trotting Horse Breed Association marked its Fiftieth Anniversary this year from September 7 through September 12 during the Fortieth Annual Missouri Fox Trotting Show at the headquarters in Ava; and

WHEREAS, the Missouri Fox Trotting Horse Breed Association was officially chartered in 1948 and was diligently led by men of great vision and foresight who realized the importance of promoting and preserving the Missouri Fox Trotting Horse Breed; and

WHEREAS, during the Golden Anniversary festivities in Ava, the Missouri Fox Trotting Horse Breed Association honored many members, past and present, with induction into the Hall of Fame; and

WHEREAS, such special honor was bestowed posthumously upon the original charter officials, who include Gorman E. Dye, Sr., Cal S. Neiman, Ralph Kerr, Homer D. Harley, Everett L. Hesterlee, Paul Comer, Ranse Gaston, Clyde Norman, Ernest Uhlmann, Claude H. Hibbard, John L. Dunn, Granville R. Prock, Ovie House, Paul David, and J. Bernie Lewis; and

WHEREAS, other active members also inducted posthumously were Eugene White, O. F. 'Fern' Nichols, Dale Wood, W. Ray Cannon, Joe Hinds, Ralph Hawkins, and Earl R. McCoy; and

WHEREAS, numerous men and women throughout Missouri were recognized for their leadership in the Association as promoters, sponsors, breeders, officers, and Board members, the induction of whom includes Don E. Freeman, Lawrence Barnes, Paul Thompson, Dale Esther, Everett Bucy, Kenneth Morrison, John Evans, Trellis Dewhirst, Rex Barham, Florine Barham, Don Crawford, and Rondo Prock; and

WHEREAS, thousands of horse owners, breeders, trainers, and riders throughout the nation have advanced the breed as more and more riders enthusiastically enjoy the smooth easy gait of the fox trotting horse, and the growth in the number of the breed has reached more than 55,000 registrations from 50 states and Europe; and

WHEREAS, the Missouri Fox Trotting Horse Breed is the first and only horse breed to originate in Missouri and to have its national headquarters in our state; and

WHEREAS, the Missouri Fox Trotting Horse breeders, owners, trainers, and riders have had a great economic impact on the Missouri economy through the growth of the breed and the increasing interest in pleasure trail riding and horse show events:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-ninth General Assembly, join Governor Mel Carnahan in recognizing the week of September 7 as "Missouri Fox Trotting Horse Breed Week" as a tribute to those who have served the organization during the past half century and extend best wishes to the officers and directors for continued success in the years ahead; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the officers of the Missouri Fox Trotting Horse Breed Association.

Senator Schneider requested unanimous consent of the Senate to send forward the corrected copy of Senate Resolution No. 3, which request was granted.

SENATE RESOLUTION NO. 3

WHEREAS, the members of the Missouri Senate welcome the opportunity to recognize Mark McGwire, an outstanding athlete whose unique achievements have brought honor and distinction to himself, his team and the entire Show-Me State; and

WHEREAS, Mark McGwire had an illustrious career that included playing Little League for his dad, playing at the University of Southern California, and as a member of the 1984 United States Olympic team; and

WHEREAS, Mark McGwire's stellar performance energized Cardinal fans as a team with a glorious past whose owners, managers, staff and players have contributed to a "Field of Dreams" in the State of Missouri; and

WHEREAS, Mark McGwire has set many new records, becoming the first to hit three home runs in Busch Stadium in a single game and the first in major league history to have three consecutive fifty-homer seasons; and

WHEREAS, Mark McGwire's assault on Roger Maris's twenty-seven-year major league record, his pursuit of the record set by Josh Gibson in 1931 and his friendly competition with Sammy Sosa have captured America's imagination and reminded everyone of the joy and wonder of the game of baseball; and

WHEREAS, with class and dignity, Mark McGwire relentlessly pursued Roger Maris's record throughout the 1998 baseball season and broke the Major League record with 62 home runs on September 8, 1998, before 49,987 hometown fans, his son, players for the Chicago Cubs, the fans, and the entire country who were all united in jubilation; and

WHEREAS, Mark McGwire's special talents will have a lasting impact on the St. Louis Cardinals and their fans and will enhance the game for decades to come:

NOW, THEREFORE, BE IT RESOLVED that the flag of the state of Missouri shall annually fly over the Capitol on September 8th in honor of Mark McGwire in perpetuity; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to send properly inscribed copies of this resolution to Mark McGwire and the St. Louis Cardinal baseball team.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HR 3**.

HOUSE RESOLUTION NO. 3

BE IT RESOLVED, by the House of Representatives, that the Chief Clerk of the House inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **CCS for HB 1003, CCS for HB 1006, CCS for HB 1008, CCS for HB 1009, CCS for HB 1012, SCS for HCS for HB 1020, SCS for HS for HCS for HB 1434, SS for SCS for HS for HCS for HBs 1455 and 1463, SCS for HB 1880 and HB 1928** when the bills were called by the Speaker and that a motion to override the veto on **HB 1744** was made and failed when the bill was called by the Speaker.

COMMUNICATIONS

President Pro Tem McKenna submitted the following:

MISSOURI SENATE

Jefferson City

July 27, 1998

The Honorable Mel Carnahan

Capitol Building

Jefferson City, Missouri 65101

Dear Governor Carnahan:

It is with heartfelt memories and with hopeful expectations of returning to a private life, I give my resignation as Senator of the Ninth District in Kansas City, effective July 31, 1998.

As I look back on my 26 years in public office, so many people, Senators, Representatives, and constituents have touched my life in positive ways. I am both fortunate and blessed to have been able to serve the people of Kansas City and Missouri.

Respectfully submitted,

/s/ Phil B. Curls Sr.

Senator Phil B. Curls, Sr.

Ninth District

Also,

September 8, 1998

Senator Ronnie DePasco

Missouri Senate

Capitol Building, Room 321

Jefferson City, MO 65101

Dear Senator DePasco:

Due to the resignation of Senator Phil Curls, effective immediately I am appointing you to serve as Chairman of the Senate Insurance and Housing Committee. I am hereby appointing myself to fill the vacancy on the committee.

Your willingness to serve the people of Missouri is appreciated.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Also,

September 17, 1998

Ms. Terry Spieler, Secretary

Missouri Senate

Capitol Building, Room 325

Jefferson City, MO 65101

Dear Ms. Spieler:

I hereby appoint myself, Bill McKenna, as a member to the following committees to fill the vacancies created by the resignation of Senator Phil Curls: Appropriations, Elections, Pensions and Veterans' Affairs, Local Government and Economic Development and Public Health and Welfare.

If you have any questions or concerns please do not hesitate to contact me.

Sincerely,

/s/ Bill

Bill McKenna

President Pro Tem

Missouri Senate

On motion of Senator Quick, the Senate adjourned sine die pursuant to the Constitution.

ROGER B. WILSON

Lieutenant Governor

TERRY L. SPIELER

Secretary of Senate